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The Papers of Henry Clay. Volume 5. Secretary of State, 1826

Henry Clay

James F. Hopkins

Mary W. M. Hargreaves

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The Papers of HENRY CLAY

Volume 5
Secretary of State
1826

Edited by
JAMES F. HOPKINS and MARY W. M. HARGREAVES
The Papers of
HENRY CLAY
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James F. Hopkins and
Mary W. M. Hargreaves, Editors
Wayne Cutler and Burton Milward, Assistant Editors

Volume 5
SECRETARY OF STATE
1826

THE UNIVERSITY PRESS OF KENTUCKY
"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
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ADS  Autograph Document Signed
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AEI  Autograph Endorsement Initialed
AES  Autograph Endorsement Signed
AL  Autograph Letter
AL draft  Autograph Letter, draft
ALI  Autograph Letter Initialed
ALI draft  Autograph Letter Initialed, draft
ALS  Autograph Letter Signed
ALS draft  Autograph Letter Signed, draft
AN  Autograph Note
AN draft  Autograph Note, draft
ANS  Autograph Note Signed
Copy  Copy not by writer (indicated "true" if so certified)
Copy Signed  Copy, not by writer, Signed
D  Document
DS  Document Signed
ES  Endorsement Signed
L  Letter
L draft  Letter, draft
LI draft  Letter Initialed, draft
LS  Letter Signed
N  Note

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INSTRUCTIONS AND DISPATCHES January 1, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 18. Transmits a translation of a decree for establishing a Council of State; notes "some things . . . in the decree and in the composition of the Council which may be construed into indications that the measure has been taken with a view to a more careful consideration of the great question of America"; warns, however, that there is no other evidence of change of policy toward the former Spanish colonies; states that the British Minister (Frederick James Lamb) has not attempted to exert influence in favor of the colonies; reports having read to the Duke del Infantado a letter from New York on the probability of an attack on Cuba by Mexico and Colombia and having been asked by the Duke, "as he has done before, what security there would be for the possession of Cuba in the event of recognizing the colonies"; remarks on the "exceedingly depressed" state of "The money market . . . in France and England"; and encloses copies of notes addressed by him "to the Ministry" since his last dispatch. LS (with postscript in Everett's hand). DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Received March 6. Endorsed by Clay: "To be submitted to the President." Published in American State Papers, Foreign Relations, V, 880-81.

To [Elijah H.] Mills

2d. Jan. 1826

Mr. Clays Compliments to Mr Mills and he asks the favor of him to meet a few select friends at Mr. Cs. at dinner on thursday next¹ at 5 O Clock—

AN. ICHi. Addressed: "The Hoable Mr. Mills Of the Senate." ¹ January 5.

DIPLOMATIC NOTES January 2, 1826

From P[ETER] PEDERSEN, Philadelphia. Expresses satisfaction that the President, in his message to Congress, recommended "the extension of that principle of reciprocity which" Pedersen has proposed as the third article of his "project." Hopes the United States will now "accede to that proposal, by which the principal obstacle, on the part of Denmark to a Convention between her and the United States would be overcome." Pedersen has no instructions respecting other points stated in Clay's letter of November 7 and hopes they may be postponed for future negotiation. States that Clay's reply to this letter will determine whether the negotiation shall be resumed now or postponed until Pedersen's instructions arrive. ALS, in French. DNA, RG59, Notes from Danish Legation, vol. 1 (M53, R1). On the President's recommendation for liberalizing foreign trade restrictions, see above, Clay to Lederer, December 20, 1825, note.
SECRETARY OF STATE

From Hilario de Rivas y Salmon, Philadelphia. States that he has sent to his government a copy of Clay's note of December 15; expresses gratification in regard to the prompt attention to his notes of September 22 and November 29. ALS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. 8 (M59, R11).

INSTRUCTIONS AND DISPATCHES

January 2, 1826

From Henry Middleton, St. Petersburg, no. 54. Refers to his dispatch of December 14/26, 1825, describes the mutiny of soldiers in St. Petersburg, and encloses documents relating to this event. ALS. DNA, RG59, Dip. Disp., Russia, vol. 10 (M35, R10). Dated December 21, 1825/January 2, 1826. Received April 9. The enclosures, as distributed to the diplomatic corps on December 16 (i.e., December 28), provide an official description of the insurrection.

MISCELLANEOUS LETTERS

January 2, 1826

To David M [i.e., B]. Ogden, New York. States, in reply to Ogden's letter of December 29 (not found), that the case of the Calypso "has already formed the subject of correspondence" with the French Minister (the Baron de Mareuil), "with the result of which your Constituents will no doubt be made acquainted by that Minister in due season." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 235 (M40, R19). Cf. above, Mareuil to Clay, May 6, 1825; Clay to Mareuil, May 13, November 9, 1825. Ogden was serving as agent for LeRoy, Bayard, and Company, who held power of attorney to act for the French owners of the Calypso.

From Charles Stewart Daveis, Portland (Maine). Requests that an enclosure be forwarded to (Alexander H.) Everett, from whom he has received a letter through the same medium, and enquires whether he may continue to send letters to Everett through the State Department. ALS. DNA, RG59, Misc. Letters (M179, R64). Daveis was an eminent lawyer, notable in chancery practice. In an undated letter, recorded between others of January 9, Daniel Brent, at Clay's direction, replied that Daveis' letter had been forwarded and that the Department would "take pleasure in charging itself with the transmission of any future ones of moderate size" which he might "have occasion to send to the same Gentleman." Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 241-42 (M40, R19). Cf. above, Clay to Woodward, December 12, 1825.

From Robert R. Henry, New York. States that he wrote Clay December 12, 1825 (letter not found), enclosing documents relative to fraud at St. Mary's, but has had no acknowledgment of the receipt of his letter; adds that "President Adams friends" expect removal of (Archibald) Clark; requests an official notice informing him whether or not "the Package" reached the State Department. ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, III, 571; Henry to Clay, April 6, 1825.

APPLICATIONS, RECOMMENDATIONS

January 2, 1826

John O'Fallon, St. Louis, recommends for appointment to the "office of Register at Franklin Missouri," Hampton L. Boon, formerly of Kentucky, now living near Franklin. ALS. DNA, RG59, A. and R. (MR1). Boon, a Methodist minister and
a merchant, had settled in Howard County, Missouri, in 1820. He received no appointment from the Adams administration but was named to the office above requested in January, 1830, and retained it until 1842, when he moved to Jefferson City to become clerk of the State supreme court.

**DIPLOMATIC NOTES**

January 3, 1826

To the Baron de Mareuil. Acknowledges receipt of a note from Mareuil on the preceding day; states that the President would have been happy to receive the French Legation with the other callers at that time, New Year's Day having fallen on Sunday; expresses regret "if any cause existed, which . . . prevented their attendance"; and, while assuring him of the President's appreciation of "the compliment," declines his request. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 248 (M38, R3). ALI, in CSmH. Mareuil's note, dated January 2, had requested an appointment to pay his respects to the President at the beginning of the new year. LS. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7). ALI draft, in CSmH.

**MISCELLANEOUS LETTERS**

January 3, 1826

To H[utchins] G. Burton, Raleigh, North Carolina. States, in reply to Burton's letter of December 29, that Peter Lanman, of New York, was appointed consul at Kingston, Jamaica, on February 10, 1824; notes that "there is reason to believe that Mr. Lanman has been very little at his post . . ." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 236 (M40, R19). Lanman, not further identified. A replacement was not named until 1831.

From John Forsyth. Requests, for "the Committee of Foreign Relations of the H. of R.," information relative to an enclosed resolution. ALS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure, dated January 3, the House instructs its committee "to inquire into the expediency of making provision by law for the more complete execution of the 6th Article of the Convention with France of 24th of June, 1822, touching the delivery of deserters." Cf. above, Mareuil to Clay, October 4, November 16, December 24, 1825; Clay to Mareuil, November 7, December 19, 1825; below, Clay to Forsyth, January 5, 1826.

From Thomas Miller, Washington. Requests that (Thomas M.) Bailey, now in Washington, be detained until claimants under the St. Petersburg Convention can "have the benefit of his testimony when the board of Commrs. meet." ALS. DNA, RG59, Misc. Letters (M179, R64). See above, Miller to Clay, November 19, 1825, note.

From Nathaniel F. Williams, Baltimore. States, "at the request of Mr. [Isaac] Munroe Editor of the [Baltimore] 'Patriot,'" a wish, if not in violation of the rules of Clay's office, to see "a copy of the letter Signed by a part of the Delegates in Congress from Maryland," recommending the (Baltimore) American to publish the laws. ALS. DNA, RG59, P. and D. of L. Cf. below, Clay to Mitchell, January 17, 1826.

**APPLICATIONS, RECOMMENDATIONS**

January 3, 1826

J[eremiah] Cuylar, Savannah, recommends (Robert M.) Goodwin for appointment as United States marshal for the District of Georgia. ALS. DNA,
From Francis P. Blair

My Dear Sir

Frankfort January 4 1826.

I am very much obliged to you for your letter of the last month—Your letters are always exceedingly welcome to me, notwithstanding the oblique look you occasionally take at my state politics— I am glad to find however that you justify on the principles of a "man of honor" the stand which I have taken from regard to my party— I assure you, 'though I fear very few will beleive [sic] me that I was desirous that the agitating question should be settled even at the expence of my Office— When the compromise was proposed I went to Crittenden & told him expressly that if no terms could induce Swigert to yeild [sic], that I would myself give way2 & that he might assure the House no difficulty would exist as to the Clerks if the ques­tion of the Judges were settled on fair & reciprocal Terms— It was expressly declared in the Senate at my request— Both Crittenden & Logan3 I am persuaded were sincerely in favor of a compromise —but the violent were desirous of prolonging the contest in the hope of obtaining as a party a complete ascendency— Crittenden was to have introduced the Bill in the House of Reps. the very day Pope introduced it in the senate4 & got me to go around to the new court members of the senate to prolong the session to afford the opp'y. to carry the Bill which he would have introduced but for the fight between Haskin & Hardin5— He told me then the temper of the House would not bear it & that he would take up Pope's Bill— The result you know— Do you not concur with Crittenden & Logan in the wish to see this question Settled by the introduction of indi­viduals mutually chosen by the two contending parties & have thus established a New Tribunal which would unite in it the confidence of both? "It would give me the greatest satisfaction to find myself laboring to produce a result which should meet your approbation—" I can see no good result in maintaining a most painful contest, degrading to the state & ruinous to individuals to settle an abstract principle— The opinions of individuals will not be changed by any act of the Legislature on this subject & we know from experience that Legislative precedents on constitutional points have no obli­gation— The constitutionality question about the Bank of the U.S. has received a different decision from every successive congress which has acted on it—the precedent decision being uniformly re­versed— The people therefore who come after us, will read the
constitution for themselves & will I have no doubt decide the ques­tion when-ever it again arises according to what they may then
determine & not as may be determined now— The old Judges I
think ought not to hold out with a view to a Legislative decision
& keep the country in an uproar of angry passions to settle the prin­
ciple— They have themselves shown how little value they set on
Legislative precedents, by overuling [sic] the decisions of all the
Legislatures (in the Replevin cases)⁶ which have grown up under
the uninterrupted acts of almost all the American Assemblies, with
the sanction of nearly half a century— And surely the stations are
not worth contending for on the score of emolument— No matter
which side succeeds the salary will be reduced to $1200 or 1000— It
would be surely better to give general satisfaction to all sides by
balancing the scales of Justice between parties litigant, than for
either side to gain a decided preponderance—

I do not well see how you can be against a compromise— You
compromised the Missouri question⁷— Our union itself is the happy
issue of compromise. The parties here can readily compromise
without any great sacrifice of individual Interests—without any
sacrifice of principle— If you could view [sic] it in this light; as it
respects your own great objects, I am satisfied that peace here would
at least facilitate your movement— Your friends are among the great
body of the people—they must & can only be relied on by you—&
can be safely confided in I think. The great Men in this country
are not your friends— Mean envy makes them otherwise— Begin at
Louisville the Popes⁸ there,— in Nelson the Wickliffes & Hardin⁹
(the basest men on earth)— In Washington¹⁰ the combined interests
of popes Wickliffes & Hardin’s [sic] In Lincoln [sic] & Garrard Green
& McKey¹¹ perfectly hollow— The Marshalls,¹² every where— These
are the powerful old court men & all in heart against you— Of my
side of the house the leaders are pretty much the same way I must
confess— But on neither side can the people be led to take part
against you, unless by the violence of party conflict in the state
struggle one part should be induced to hold out a hand to old
Jackson & assume the [mil]itary cockade to wage the war more
successfully— The [cour]se which Mr Crittenden’s Resolution took
approving the conduct of the Kentucky delegation in congress
manifested the apprehension felt, that a vote on the subject would
shake the equipoise of State politics by the introduction of the
presidential question¹³ Some on both sides would have voted
against it— B Hardin was preparing a labored speech against Crit­
tendent on the subject I am sensible that unless your views would
enable you to adjust this question by compromise without affecting
principle that nothing could induce you to countenance it—but
that obstacle removed, it seems to me that good feeling & every consideration of public convenience are in its favor—

I acquiesce entirely in your opinions about my prospects in Florida— I feel that they are true— I have always been afraid to trust myself—but my wife has so much ambition that nothing will do, but a new State where if necessity does not compel me to great efforts— & give me better fortune, she insists that we cannot be worsted. For my part I am satisfied with my fate & although I fear you consider me a factious politician, I can assure you I am a contented man—

Poor Logan of Shelby is at the point of death— I feel greatly distressed for him— Judge Todd is mending somewhat—

Give my respects to Mrs. Clay— I miss very much my grateful trips from Lexington to Ashland— Mrs Blair rejoices at your restoration to health & if you will measure love by the length of a letter, you see there is no limit to mine but the nature of things—

Yo friend sincerely [sic] F.P. Blair

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

1 Not found.

2 Cf. above, Blair to Clay, November 28, 1825.
3 John J. Crittenden; John Logan.
4 John Pope. See above, Kendall to Clay, December 25, 1825, note.
5 Cf. above, Blair to Clay, November 28, 1825; Kendall to Clay, December 25, 1825, note. Instead of the compromise, Crittenden, as chairman of the house Committee on Courts of Justice, had presented a series of resolutions stating that the last legislature had lacked the power to abolish or reorganize the court of appeals and that such an exercise of power was “unconstitutional, and tends toward despotism.” These resolutions had been adopted by the house of representatives, with Joseph Haskin and Benjamin Hardin voting on opposite sides of the division. The issue marked one of the main bases of disagreement between the two houses on the proposed compromise, the house insisting that the legislature lacked authority “to reorganize the Judges of the Court of Appeals out of office. . . .” Ky. H. of Reps., Journal, 1825, pp. 436-38, 440-42. As an aftermath of the controversial debates, Haskin had attacked Hardin with a bludgeon, inflicting personal injury, an episode which gave rise to the doggerel:

“A hickory stick and a Haskins [sic] lad,
They make the old tom-cat so mad.”

Quoted in Lucius P. Little, Ben Hardin: His Times and Contemporaries, with Selections from His Speeches (Louisville, 1887), p. 136.

6 See above, III, 305n, 556n.
7 See above, II, 788; III, 26-29 et passim.
8 John, Worden, Alexander, and William Pope. Alexander and William were brothers of John, cousins of Worden. Alexander had served as a member of the Kentucky Legislature from 1818 to 1823; he died at the end of November, 1826.
9 Charles A., Robert, Nathaniel, and Martin (Morton) H. Wickliffe, brothers; Benjamin Hardin, their cousin. Nathaniel and Martin H. Wickliffe were extensive merchants from 1804 to 1827, when their firm went bankrupt. Martin H. died within a few years thereafter (by 1832), but Nathaniel remained active in public life. From 1825 to December, 1827, he was publisher of the Bardstown Western Herald; he studied law and, in 1833, was admitted to the bar; and from 1830 to 1851 he served as clerk of Nelson County court.
10 County, Kentucky.
11 John Green (cited above, III, 344n, as “the Younger”), a lawyer, judge, and member of the Kentucky House of Representatives (1818, 1820-1822, 1824, 1825, 1832) and of the Kentucky Senate (1826-1829); Samuel McKee.
13 See above, Crittenden to Clay, December 26, 1825.
14 Cf. above, Blair to Clay, November 28, 1825.
15 John Logan died January 6, 1826.
16 Thomas Todd.
From Charles Hammond

My Dear Sir.

The President's message gives very generally satisfaction amongst us— We approve it "Sky-light" and all— Upon its first perusal I was filled with compassion for the Virginia politicians, upon whom I apprehended it would produce some dangerous paroxisms; I did not indeed expect they would be quite so extravagant as to elect John Randolph to the senate to preserve the constitution and save the Republic— But wonders of this nature are never to cease—

I perceive [sic] that the constitution Tinkers [sic] are all busy forging and presenting their different amendments— The more schemers, and the greater number of schemes, the greater the certainty that none can succeed— There is one thing in this business I do not like!. What put it into Mr Bailey's head to commence tinkering?: Does not he ask. or take advice?— I am fearful that there is not proper discipline [sic] among the friends of the admiration [sic]. Without it there cannot be proper concert,—and without concert there is no safety—

The Tennessee amendment is before our Legislature. I believe [sic] there is no disposition to adopt it. But Some of our men shiver a little lest voting against it may hereafter be cast in their path when seeking to walk with the People— They will however disagree to it—and assign for reason that the constitution does not authorise the State Legislatures to propose amendments, which, notwithstanding the contrary practice, is certainly the fact—

I perceive that a bill for extending the judicial system is before Congress, and we have already various speculations, and some pretended intelligence as to who shall be the judge— Letters from Washington are quoted, giving it to Mr Postmaster General. This won't do— We shall rebel— I mean we of the bar— It won't do for another reason. He is devoted to Calhoun: and if he make professions to the contrary he is not to be trusted— In ambition, in selfishness he answers to certain descriptions in Milton which I need not quote— I never knew a man make such exertions, as were made by him in 1824, to prevail upon our electors to vote for Calhoun as Vice-President. In a letter he wrote to Gen. Harrison urging this, he coupled with it a sly offer of the Governorship of Arakensaw [sic]— He induced Judge Burnet to visit Columbus and labour to effect it—and addressed himself to all upon whom he thought he could operate— Send him out a judge to move thro' Ohio, Indiana [sic] and Illinois; and you employ an agent to scatter distrust in and disaffection to the councils of the country, and to build up and embellish the pretensions of the Vice President—
I speak plainly because I feel strongly, and my feelings are founded upon well authenticated facts: But—it is not necessary to enumerate any of them further.

You perhaps remember that some years ago when Gov. Wright was Governor of Maryland there happened a vacancy in a judgeship which the Governor wished to fill, [sic] He resigned the Governorship, and claimed the judgeship as matter of right under the constitution, which declared that the person “most fit and able” should be appointed.¹⁰ I have had half a mind to claim this judgeship for myself upon something like the same ground: but upon the best information I could gather, rather from silence than from speaking, I have become fearful that I would stand as singular in “mine own opinion” as did Governor Wright. We have now here a gentleman from Cincinnati¹¹ claiming a vacant President judgeship upon this very ground, and the light manner in which his claim, so seriously urged, is treated, is enough to damp the ardor of any considerate man, which character I would as yet prefer to retain—Passing by my own pretensions, I am very clear that Burnet, Crane or Swan¹² is greatly to be preferred to the Postmaster—

I received your letter of the 10th. of Der. forwarded to me from this place to Cincinnati—I am fearful you and your friends are mistaken as to your strength in your domestic strife, and shall be glad to find myself mistaken—It is in fact a strife to put down men, in which the people have no interest and from which no good can result, and much evil must—But sufficient for the day is the evil thereof.

We have now in hand here a legislative proceeding which affords a striking example of the manner in which men of sense are sometimes transported.—You have no doubt heard of the seat of Gardener being vacated, upon the ground that offering to place so much of his wages as the constitution did not authorise him to receive in the county Treasury was offering a bribe to the whole body of electors!! He is re-elected by an almost unanimous vote and it is objected that the former decision operates to disqualify him, that being the consequence attached by the constitution to the offense charged. It is to be discussed to morrow, and every man is now heated with the subject—I think there is little doubt but that he will be rejected¹³—

The judge¹⁴ has not yet attended—To morrow is the last day, and I fear we shall have no clerk until the next term¹⁵—Surely this evil ought to be remedied—Yours most truly C. HAMMOND

P.S. Who goes to Panama? Gallatin Crawford. Sergeant are named¹⁶—If but one is sent, my voice is for Crawford. And this seems a general sentiment amongst us—
ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

1 See above, Clay to Stuart, December 1, 1825, note.

2 Cf. above, Brooke to Clay, December 13, 1825.

On December 13, John Bailey, taking cognizance of the belief of "a large portion of the People and of their Representatives in Congress" that appropriations for "the construction of Roads and Canals" are "inconsistent with the Constitutional powers of Congress," had proposed an amendment to confer upon Congress the power "To appropriate money for constructing roads and canals, for improving river and coast navigation, and for promoting education, colonization, and the liberal and useful arts"; to make surveys for and engage in construction of such works; "to establish a National University"; and "to offer and distribute prizes for promoting agriculture, education, science, and the liberal and useful arts." Register of Debates, 19 Cong., 1 Sess., pp. 801-802. The proposal was referred to Committee of the Whole but not again considered.

4 See above, Clay to Hammond, November 1, 1825, note. On February 7, 1826, the Ohio Senate, by a vote of 24 to 9, approved a committee report declaring it "inexpedient" to adopt the proposed Tennessee amendment, and the following day the House unanimously concurred. Ohio Sen., Journal, 1825-1826, p. 843; Ohio H. of Reps., Journal, 1825-1826, p. 350.

5 The Constitution of the United States of America, Art. V.

6 Cf. above, III, 551; Remarks, January 26, 1825. The legislation proposed at this Session was postponed indefinitely on May 16, after the House had refused to accept Senate amendment. Register of Debates, 19 Cong., 1 Sess., pp. 2585-86, 2647.

7 John McLean.

8 William Henry Harrison.

9 Jacob Burnet.

10 Robert Wright, in May, 1809, had resigned as Governor of Maryland to become a candidate for appointment as judge on the Maryland Court of Appeals but had failed to win the judicial post.

11 McLean, though a resident of Lebanon, had been admitted to the bar in Cincinnati and had represented that district in Congress (1812-1816).

12 Jacob Burnet; Joseph H. Crane, Dayton lawyer, president judge of the court of common pleas, later (1829-1837) a member of the United States House of Representatives; and probably Gustavus Swan, a Columbus lawyer, formerly (1812, 1816) a member of the Ohio Legislature.

13 James B. Gardiner, of Greene County, was again rejected as a member by the Ohio House of Representatives. Later in the year he founded the Ohio People's Press at Xenia. In 1830, with Jacksonian support, he was nominated as register of the land office at Tiffin, Ohio; but the Senate in the latter instance withheld approval of the appointment.

14 Charles Willing Byrd.

15 On the complications raised in appointing a successor to Harvey D. Evans as clerk, see above, Creighton to Clay, November 9, 1825.

16 Albert Gallatin; William H. Crawford; John Sergeant.

DIPLOMATIC NOTES

January 4, 1826

To [Peter] Pedersen. In reply to Pedersen's note of January 2, states a wish to postpone negotiations until receipt of the instructions expected by March; notes that the United States is unwilling to accept a treaty which does not include matters stated in Clay's note of November 7 and that Congress has yet to act on the principle about which Pedersen's "Government is most anxious," Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 248-49 (M38, R3). ALI draft, in CSmH.


From Pablo Obregon, Washington. Acknowledges receipt of Clay's note of December 20 concerning the Mexican vice consul in Philadelphia; declares that
Chew, in publishing the regulations complained of, has followed instructions; asserts that the demand for certification of invoices is a common practice among nations and is essential during the war between Mexico and Spain in order to prevent the fraudulent importation of Spanish goods into Mexico; notes that merchants of New York and Baltimore have submitted to the regulation; charges that the complaints from Philadelphia emanate from a desire to continue contraband trade; points out, in regard to Chew's commercial activities, that American vice consuls abroad "are generally of this profession"; expresses an expectation that in time more liberal regulations can be promulgated. LS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Mexican Legation, vol. I (M54, R1).

INSTRUCTIONS AND DISPATCHES

January 4, 1826

From David Offley. Explains expenditures in relation to John M. Allen, formerly of the United States Navy, whose "arrival among the Greeks was announced in the newspapers in such manner as to excite unusual attention," who, ill and with no means of support, had been brought to Smyrna by an Austrian vessel, had been treated at Offley's expense, and, upon recovery, had left to join the Greek fleet. Reports the cordial reception of the (United States Mediterranean) Squadron under Commodore Rodgers on the occasion of its visit to that port (cf. above, Offley to Clay, November 28, 1825). Notes that, "by the last accounts," the Turks "were engaged in the Seige [sic] of Mishlonghi [sic]"; that the Greeks offer little resistance in the Morea; and that the death of the Emperor Alexander of Russia may have great effect on the war and "this Empire." LS. DNA, RG59, Cons. Disp., Smyrna, vol. 1 (M-T238, R-T1). Received March 21. Allen, a native of Kentucky, had been appointed a midshipman in February, 1823.

From Joel R. Poinsett, Mexico, no. 32. Summarizes (George) Canning's objections, as learned by Poinsett from the British Chargé (Henry G. Ward), to the treaty between Great Britain and Mexico (see above, Poinsett to Clay, May 5, 1825, note); reports that the premature publication of the treaty, with "very improper comments," by (Lucas) Alamán has resulted in peremptory instructions by Canning relative to negotiation of an article concerning religious toleration; states that the article cannot be acceptable to the Mexican Government and that Poinsett will so advise (James Justinian) Morier, the British agent; notes the eagerness of the Mexican President (Guadalupe Victoria) and Secretary of the Treasury (José Ignacio Esteva) to conclude a treaty with Great Britain. Reports that "The Executive," formerly allied with the "Centralistas," has united with the Federalists, "the strongest party in the State," and that the Centralistas have attacked Poinsett for his "agency . . . in bringing about this state of things," accusing him of seeking "to gain such a party as will secure the acceptance of any proposals" he may make concerning "the limits between the two nations"; expresses regret that (Pablo) Obregón, whose "friends are connected with the Centralistas," will soon be recalled from the United States. Encloses several documents. LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received February 8. Endorsed by Clay: "To be submitted to the President." Morier, born at Smyrna, educated at Harrow, and noted as a traveler and novelist, had held a succession of minor diplomatic posts in the British service from 1807 until his retirement in 1817. He had been named a special commissioner to Mexico in 1824 and was one of the plenipotentiaries involved in negotiation of the treaty.
To Albion K. Parris. Acknowledges receipt of Parris's letter of December 26, with the report enclosed; refers to “the anxious desire of the Government of the United States to make a satisfactory arrangement with that of Great Britain of our North Eastern Boundary”; states that “In the mean time it is desirable that each party, governed by a spirit of moderation, should refrain from the adoption of any measures which may tend to give just inquietude to the other”; cites Clay's note to the British Charge the previous spring and its effect (above, Clay to Addington, March 27, 1825; Addington to Clay, May 23, 1825); notes the President's desire that the conciliatory course adopted by Great Britain be reciprocated; and, at the President's direction, suggests “the propriety of its being observed by the Governor of Maine.” Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 236-37 (M40, R19).

To L[ewis] Williams, “Chairman of the Committee of Claims of the House of Representatives.” Transmits, in answer to the first part of Williams' letter of December 30, a copy of a letter from Clay's predecessor (John Quincy Adams) to (Elisha) Whittlesey, January 10, 1825; states that he will write (Thomas) Appleton concerning employment of (Moritz) Furst; and returns Furst's petition. Copy. DNA, RG59, Report Book, vol. 4, p. 116. On January 4 Daniel Brent wrote to Appleton,” by the Secretary's direction,” requesting the desired information. Copy, in DNA, RG59, Cons. Instr., vol. 2, pp. 377-78 (M78, R2).

From Al[exander] McRae, London. Comments skeptically on the death of Alexander (I), “of a sore throat," and on the sorrow manifested by Constantine over “the natural death of a brother whom he truly & most tenderly loved!” Encloses newspaper articles and a letter received in response to an enquiry addressed “to Mr. [John] Bowring Secretary of the Greek Committee.” ALS. DNA, RG59, Dip. Disp., Special Agents, vol. 9 (M37, R9). Dated January 4, 1825 [i.e., 1826]. In his letter, dated January 3, 1826, Bowring expresses apprehension concerning aid to the Greeks and adds that he does “not augur good from the accession of Constantine.” Bowring, born in Exeter, England, and trained as a merchant, was (beginning in 1824) an editor of the Westminster Review and an exponent of liberal political views. An expert on European governmental finance and an advocate of free trade and of the decimal system of currency, he later became a member of Parliament (1835-1837, 1841-1847) and British emissary to the Far East (1847-1859). He was knighted in 1854.

To John Forsyth, “Chairman of the Committee of Foreign Relations of the H. of R.” Transmits, in response to Forsyth's letter of January 3, copies of documents, including “correspondence . . . with the French Minister in regard to the interpretation and execution of the sixth Article of the Convention,” which show that “from the opinion in which both the Executive of the United States, and the Representative of France concur, as to the meaning of the sixth article of the Convention, the Mayor of Norfolk [John E. Holt] dissents”; that the Virginia attorney general (Stephen Wright) “has confirmed the correctness of” the Mayor's contention; and that, presumably, the officials of that State will act in accordance with that view. Copy. DNA, RG59, Report Book, vol. 4, pp. 116-17. ALS draft, in DLC-HC (DNA, M212, R2). Published in American State Papers, Foreign Relations, V, 786.
To A. Mewhall and others, Portland, Maine. Acknowledges receipt of their letter of December 16, which "will receive all the attention its importance demands." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 238 (M40, R19).

From James DeWolf, Bristol, Rhode Island. Transmits a copy of a letter received from Joshua Dodge, which had enclosed a copy of a letter from Dodge to Clay (above, September 7, 1825). DeWolf adds: "Mr. D. married my daughter & I expect he wishes to Come home to take his Wife Out to Marseilles [sic] with him. I hope his request may be granted." ALS. DNA, RG59, Misc. Letters (M179, R64). Catharine DeWolf and Joshua Dodge had been married in 1823.

From Robert Monroe Harrison, Antigua. Requests, in case he is appointed United States consul (for the Island of St. Bartholomew), that the Chargé at the Court of Stockholm be instructed to have him recognized by the King (Charles XIV, of Sweden) immediately, in order to circumvent the obstacle which would be thrown in his way by the provisional government of the island. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received February 13.

From James Noble and R[atliff] Boon, Washington. Request, on behalf of Elisha Harrison, that payment for publishing the laws be withheld from Thomas Evans, of the Evansville Gazette, until settlement of a suit between Harrison and Evans or until an injunction obtained by Harrison has been dissolved. ALS by Noble. DNA, RG59, P. and D. of L. On January 6, W[illiam] Browne wrote Noble that he was authorized to reply that payment on the claim had been suspended, "as well in conformity to a caveat filed in this Department by . . . [Harrison], as from the fact of Mr. Evans never having appeared to the Department, as at all concerned in the Evansville Gazette. . . ." DNA, RG59, Dom. Letters, vol. 21, p. 238 (M40, R19).

From Samuel S[outhard], Navy Department. Acknowledges receipt of "the letter of Mr. Moseby, referred by" Clay to the Navy Department; states that "An appointment cannot now be given to his son, as there is no vacancy which can be filled from Virginia." Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 156. Moseby not identified; his letter not found.

From John C. Wright, "Ho of Reps." States that he has "been requested by a friend to receive a portion of the claim of Mathew Jenkins, a resident of St. Johns in East Florida"; inquires about the status of the claim and the possibility of obtaining payment. ALS. DNA, RG59, Accounting Records. Endorsed by Clay on cover: "... Mr [Daniel] Brent will make the enquiry." Jenkins not further identified; his claim, not found. On January 7, W[illiam] Browne replied that Jenkins' name did "not appear in this or the Treasury Department" and requested information on the nature of his claim. DNA, RG59, Dom. Letters, vol. 21, p. 239 (M40, R19). Daniel Brent, on January 17, made similar reply. Ibid., p. 249.

DIPLOMATIC NOTES

January 6, 1826

From Jose Maria Salazar, New York. Announces the appointment of José Raphael Revenga as Secretary of State and Foreign Relations during the absence of Pedro Gual, commissioned to the Panama Congress. LS, in Spanish,
with translation in State Department file. DNA, RG59, Notes from Colombian Legation, vol. 1, part 2 (M51, R2).

**INSTRUCTIONS AND DISPATCHES**

**January 6, 1826**


From BEAUFORT T. WATTS, Bogotá. Reports protests of masters of United States vessels, "the Schooner Ranger of Norfolk, and the Brig Morris of Baltimore," captured by Colombian privateers and sent into Puerto Cabello, where the Ranger and her cargo were condemned, as was most of the cargo of the Morris; states that, because of assurances from (Joseph R.) Revenga that in the future American commerce will not be molested by Colombian cruisers and because the Colombian Government is destitute of funds, he has not pressed demands for indemnity; notes development, in the present Colombian Congress, of liberal religious opinions; cites penetration of English influence into the country and expresses gratification at his personal victory over the English Charge in matters of precedence. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received February 27. Venezuela (in 1839 and 1844), New Granada (in 1837 and 1844), and Ecuador (in 1853 and 1850), the constituent members of the old Republic of Colombia, finally paid $8,075.79 on the claim for the Ranger and $4,772 on that for the Morris. Senate Docs., 35 Cong., 2 Sess., no. 18.

From BEAUFORT T. WATTS, Bogotá. States, in reply to Clay's letter of September 10, 1825, that he had believed that his status as Chargé had entitled him to an outfit. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received February 27.

**MISCELLANEOUS LETTERS**

**January 6, 1826**

To [SAMUEL L.] SOUTHARD. States that he "can send some despatches to Mr. [John M.] Forbes by Dr. [Samuel] Miller's friend, 'though . . . their importance is not such as to justify any pecuniary allowance to the bearer of them." Adds that personal descriptions (of Theophilus Parvin "and his companions") are needed for the passports. ALS. NjP-Samuel L. Southard Papers. Endorsed on corner: "Dr. Miller Mr. Parvin . . ." See below, Southard to Clay, this date. Miller, born at Dover, Delaware, and ordained in 1793 into the Presbyterian ministry, had held pastorates in New York City until 1813, when he had become a professor of church history and government in the Princeton Theological Seminary, of which he had been a founder. Parvin, a Presbyterian missionary to Buenos Aires, was married to Mary, daughter of Caesar Augustus Rodney.

From S[AMUEL L.] SOUTHARD, Washington. Requests Clay to read enclosed letters and state whether the wish expressed in them can be gratified; asks whether there has been "Any communication to Mr. Forbes?"; notes that "The writer is . . . The Revd. Dr. Miller—at the head of the Theological Seminary at Princeton." AN. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: "Reverend Theophilus Parvin."
INSTRUCTIONS AND DISPATCHES

January 7, 1826

From Henry Middleton, St. Petersburg, “Private.” States that, his mission having been “brought to a close by the death of the Emperor Alexander,” he would “feel no disinclination to accept” an appointment “here or elsewhere.” Notes that, if “continued here,” he would for financial reasons probably need a leave of absence for several months, since no outfit could be expected and since the expenses of the mission are double the amount of the salary. Expresses a hope that an allowance will be made by the Department for the extra expenses attendant upon mourning for the late Emperor. Attributes “The event which occurred on the 14th. instan[t]” (see above, Middleton to Clay, December 18, 1825, note; January 2, 1826) to “ideas [imbibed earlier, during the wars in Western Europe] which never before entered a Russian brain” and to the obligation of “All the Youth of fortune and education” to enter military service, where they “often submit with reluctance to the doctrines of passive obedience.” Cites “Common report” of “a pretended literary society,” with “affiliated societies in various parts of the Empire,” which plotted to carry a constitution “into effect when so ever occasion might offer,” and which attempted to seize the opportunity presented by the death of the Emperor and the question of the succession. Adds that many “Officers & others” have been arrested, the examination of witnesses continues, and orders for further arrests “have been sent to various parts of the Empire.”


From Joel R. Poinsett, Mexico, “Private.” Reports the death of (James) Wilkinson, to whom Poinsett refers as “Your old friend”; notes that “Masonry is beginning to flourish” and to bear “good fruit” in Mexico; and urges that “some able men” be sent to Peru, where “The English are active,” and that Guatemala not be neglected.

LS. Ibid., Mexico, vol. 1 (M47, R2).

From Thomas M. Rodney, Havana. Expresses concern relative to “the case of [Benjamin F.] Bruce [William] Perry . . . [and] other american seamen imprisoned here” and suggests direct communication by the Department (of State) with the Captain General (of Cuba–Francisco Dionisio Vives) “as the Only means of” obtaining the immediate release of “these wretched Men”; reports arrival of the Constellation at Matanzas.

LS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). See above, Warner to Clay, March 26, 1826; Diamond to Clay, October 8, 1825; Clay to Rodney, October 29, 1825; Clay to Vives, November 14, 1825; Vives to Clay, December 24, 1825; Rodney to Clay, December 19, 1825; and below, Rodney to Clay, February 4, 1826.

MISCELLANEOUS LETTERS

January 7, 1826

To Elisha Phelps. Informs him, in reply to his request (not found), that “a copy of James Thacher’s Military Journal during the Revolutionary War from 1775 to 1783, was deposited in the Department of State on the 22d. October 1823, by Messrs. Richardson & Lord of Boston.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 239. Phelps, born in Connecticut, graduated from Yale College and the Litchfield Law School, and in 1803, admitted to the bar, had served in the Connecticut Legislature in 1807, 1812, 1814 to 1818, 1821 to 1824 and in the United States Congress from 1819 to 1821. He was a member of Congress again from 1825 to 1829, a member of the State legislature in 1829 and 1835, and State comptroller from 1831 to 1837. Thacher, born in Massa-
chusetts and apprenticed to a physician, had served as a surgeon throughout the Revolution and subsequently achieved prominence in practice at Plymouth. Richardson and Lord were Boston publishers.

From Lew[n]s Cass. States that he "forgot yesterday" to tell Clay that in St. Clair County (Michigan Territory), Zephaniah W. Bunce and Eber Ward received the same number of votes (for membership in the legislative council); adds his opinion that, as Bunce is a member of the present council, "his selection would . . . be the more acceptable of the two." ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), Territorial Papers, XI, 929. Bunce, who had received several appointments by Cass to local judicial office in the early 'twenties, had been named by James Monroe to the Michigan Territorial Council from 1824 to 1826 and was reappointed in the latter year. Ward not further identified.

From S[tephen] Pleasonton, "Treasury Department, 5th. Aud: Office." Submits for Clay's decision the claims of Christopher Hughes (Jr), for half an outfit ($2250) for his special mission to Denmark (see above, Clay to Hughes, March 24, 1825) and for a quarter's salary ($1,125) for returning to the United States; notes that the first claim "is unaccompanied by the authority of the Department" and the second appears contrary to usage. Copy. DNA, RG217, Records of Fifth Auditor, Letters Sent to Secretary of State, p. 120. Hughes was paid the half-outfit, as requested, for the special mission to Denmark and, in addition, $212.47 for "Contingent" expenses during the first six months of 1825. House Docs., 20 Cong., 1 Sess., no. 226, p. 97.

From Richardson and Read, Jackson, Tennessee. The editors of the Jackson Gazette (Tennessee) acknowledge receipt, "On the 23d. Ult," of a commission as publishers of the laws, information that the (Washington) National Journal would be sent to them regularly, and instructions to report failure to receive that paper. They note that on "the 14th [sic]" they addressed Clay (letter not found), informing him that they had not received the Journal, and they now report again that it has not been forwarded to them. ALS. DNA, RG59, P. and D. of L. Letter dated "Jany 7th. 1825 [sic]." Richardson and Read had acquired the Jackson Gazette from Charles D. McLean in November, 1825; the latter recovered the journal in June, 1826, but around 1830 sold it again to John Read and another partner. Read had been clerk of the Shelby County court in 1820 and from 1836 to 1861 was judge of the Tenth Circuit Court of Tennessee. Richardson not further identified.

From Samuel L. Southard, Navy Department. Transmits "an Extract of a letter from Captain Samuel. Woodhouse of the U. S. Sloop of War Hornet to Como Lewis Warrington on the subject of two men (American sailors) taken from the Island of Matanzas by a Colombian Privateer. . . ." LS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure Woodhouse states that, should the privateer return, he has ordered that the men be recovered, by "Compulsive measures" if they should not be given up immediately. Woodhouse, born in Pennsylvania, had entered the Navy in 1801 and had been commissioned as a master commandant in 1816.

APPLICATIONS, RECOMMENDATIONS January 7, 1826

John H. Pleasants, Richmond (Virginia), recommends, for appointment to "a Judgeship in the Territory of Arkansas," his "friend and Relation, James M.
Pleasants of the County of Powhatan," age "upwards of 30," who "studied Law with Andrew Stevenson," and who "has always been a decided, . . . a hot Republican, and was one of the few who took a stand in his County, in favor of the present Chief Magistrate." ALS. DNA, RG59, A. and R. (microcopy supplement). James M. Pleasants not further identified.

Edward Wiatt, Williamson's Hotel, solicits an appointment to fill some vacancy under Clay's authority. ALS. Ibid. (MR4). Dated, erroneously, January 7, 1825. Wiatt, who signs himself "of Winchester, Virga.," not further identified.

INSTRUCTIONS AND DISPATCHES

January 8, 1826

From Alexander H. Everett, Madrid, no. 19. Acknowledges receipt of "a letter from the Department under date of Novr. 12 enclosing two others addressed to Mr Wiseman of this place"; reports that he sent the letters to Wiseman with a note expressing readiness "to receive the legacy due to Miss Wiseman of Philadelphia"; encloses Wiseman's answer "from which it appears that he does not think himself bound to satisfy this demand"; and adds that "The house of Wiseman & Co . . . had failed before the elder Mr Wisemans death so that the reason given by Mr. Wiseman for not paying the legacy is probably founded in fact." LS. DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). On November 12, 1825, Daniel Brent had written Everett, enclosing two letters "from Miss E. Maria Wiseman, of Philadelphia," one "to Mr. James Wiseman, her relative, at Madrid" and the other to Everett, himself, "upon the subject of a bequest to her of one thousand hard dollars, or two hundred pounds sterling, from her uncle, the father of Mr. Wiseman, which, it seems, was to be made good to her, upon her attaining the age of twenty five years, now accomplished, by the last mentioned gentleman." At the same time, Brent had also enclosed another letter for Wiseman; had acknowledged receipt of Everett's "dispatches to No. 6 [September 14, 1825], inclusively"; had cited Everett's statement, reported in his dispatch no. 5 (September 10, 1825), to Zea Bermudez relating to a further loan of $6,000 to the Spaniš Chargé in the United States (Hilario de Rivas y Salmon); and had informed him "that, upon more deliberate consideration, the loan in question was not made . . . ." Copy. DNA, RG59, Dip. Instr., vol. 10, p. 411 (M77, R5). The Wisemans not further identified.

From William Taylor, Veracruz. Reports that "The fortunate surrender of Ulua," referred to in his letter of November 18, again opened the port of Veracruz to foreign commerce; that "The old inhabitants are returning daily, and the merchants of Alvarado are moving hither en masse"; and that the office of the United States consulate was transferred from Alvarado on December 22. Asserts that "The Mexican Government instead of husbanding their resources for defense at home, or to meet their engagements with the English Jews, of whom, they have made heavy loans . . . . are disposed to waste their means in idle plans and speculations about Cuba." Cites a report of a Mexican force to rendezvous at Campeche in preparation for an invasion of the island.

Notes that his consular returns show a decline in trade with the United States and that no great improvement can be expected "until the Articles of the growth and productions of her Soil and forests Shall be admitted into these Ports, and her Manufactures Shall have acquired a greater degree of perfection than they at present possess, or unless, finally, Some fresh disturbance in Europe, Shall again throw the Carrying trade into the hands of the Americans." Adds that English
and, to a lesser extent, French commerce has increased as that of the United States has declined. ALS. DNA, RG59, Cons. Disp., Veracruz, vol. 1 (M183, R1). Received February 14.

MISCELLANEOUS LETTERS January 8, 1826

From Joseph M. White, Washington. Transmits a letter enclosed to him by (William P.) DuVal (above, December 17, 1825), who has stated to White "that his son has been performing for some time the duties of private Secretary, & is desirous of knowing whether he will be allowed Compensation by" the State Department. Asks to be informed of Clay's decision. ALS. DNA, RG59, Misc. Letters (M179, R64). See below, Clay to DuVal, January 9, 1826.

Speech to American Colonization Society [January 9, 1826]

Mr. Clay rose, and said, it was with great regret he had to communicate, that the worthy and venerable president¹ would be unable to attend on this interesting occasion, of the annual meeting of the society; and in consequence of his absence, he had yielded, to what he believed to be the wishes of some of his friends, and to a sense of the duty enjoined by the constitution of the society, to take the chair. Every one was so well apprised of the object of the present meeting, that it would not be necessary to occupy their time by dwelling on it; it was well known to every one, that it was to disclose the transactions of the society during the past year—to open prospects for the future, and to derive from the past, and the contemplation of the future, new animation in stimulating them to the great objects of the enterprise which had engaged their attention.

Niles' Weekly Register, XXIX (January 21, 1826), 329. Clay, "one of the vice-presidents" of the society, opened the ninth annual meeting "in the supreme court room, at the capitol, at Washington..." ¹ Bushrod Washington.

From John McKinley

Dear Sir

I Did not acknowledge the receipt of your favour of the 27th Oct.¹ earlier because I was unwilling to trespass unnecessarily upon your time I was as you may easily imagine much mortified to find that the conduct of my unfortunate nephew² had been So reprehensible while in the Naval service as to render all interference in his favour unavailing Had I been acquainted with the facts of his case I would not have troubled you upon the subject I am however extremely obliged by your kindness on the occasion & am sorry it was not exerted in a better cause The habits of this young man have manifested themselves fully since he has ascertained
that he can not be restored to the situation he had so foolishly lost. 

Our Senator Doctor Chambers I learn with much regret is confined by very severe indisposition at his fathers in Virginia & will in all probability be unable to attend in the Senate at the present session. His absence will no doubt be a serious injury to this State as it is probable many questions of great national importance will be discussed in congress during the Session. I have lately learnt that Judge Tate the district Judge of this will [sic] resign this winter & a recommendation in favour of William Crawford Esqr was signed by a large portion of the members of the Legislature, Judges of the Supreme court & members of that bar. As I did not attend the supreme court the last session (my partner Mr Hopkins having attended) I did not of course have an opportunity of adding my name to the recommendation. I however with pleasure state that I think Mr Crawford highly qualified for the appointment & will be much gratified should it be the pleasure of the President to nominate him to that office. Is it probable the Judicial System of the U S. courts will be so changed as to extend the circuit courts to the new States? This is a subject in which the profession feel much interest in this as well as the other new states. The arrangement of the circuits & appointment of Judges will be equally interesting to them although they can have no participation & but little influence in the matter should it take place. I perceive the subject of the election of the next President is already occupying the attention of Congress in the shape of resolutions to amend the constitution on that subject. The Pennsylvania delegation seem to take a deep interest in the trial of Commodore [sic] Porter! Many insidious attacks upon the administration may be expected but I think firmness in the course commenced will soon disarm all but unprincipled opposition. When it is perfectly convenient write to me. Your friend J. McKinley

P S I have lived in Huntsville since Feb last

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

1 Not found.
2 Edwin Welsh.
3 Cf. above, Clay to Southard, October 11, 1825; Southard to Clay, October 26, 1825.
4 Henry H. Chambers, son of Edward Chambers of Lunenburg County, Virginia, died January 25, 1826, at the family home.
5 Charles Tait.
6 Cf. above, Davis to Clay, November 28, 1825.
7 Arthur Francis Hopkins, born and educated at law in Virginia, had established practice at Huntsville in 1816 and later became a large landowner in Alabama and Mississippi. Elected a judge of the State supreme court in 1834, he resigned shortly thereafter to become active in Whig politics and served as a presidential elector in 1840.
8 See above, Hammon to Clay, January 4, 1826, note.
9 See above, Clay to Hammond, November 1, 1825.
10 On December 14 James Buchanan had introduced a resolution to have the proceedings of the naval court martial of Commodore David Porter (see above, Hammond to Clay, August 31, 1825, note) brought before the House of Representatives. When he was opposed on the ground that the House might use the documents already presented to the Senate, Buchanan had explained that his motive was “to give publicity to those Proceedings.” On December 16, he had again brought the resolution before
From the Baron de Mareuil, Washington. Notifies Clay that, in accordance with the 7th article of the convention of June 24, 1822 (see above, III, 55n), orders have been issued in French ports to reduce, beginning October 1, by a second one fourth the duty established by that convention. Requests assurance of reciprocal action in United States ports and reminds Clay that last year's communication of the same nature remains unanswered. LS, in French, with translation in State Department file. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7).

To John M. Forbes, Buenos Aires, no. 2. Acknowledges receipt of his "despatches to No. 26, inclusively"; informs him of the instructions to (Henry) Middleton last spring (above, May 10, 1825); states that the Emperor of Russia appears to have received the appeal favorably and to be "now exerting his friendly efforts to put an end to the war"; expresses a belief "that all the great Powers of Europe ... are disposed ... to give pacific counsels to Spain"; notes that the ministers of Colombia and Mexico have been requested "to procure, if possible, a suspension of any attack" on Cuba and Puerto Rico (see above, Clay to Salazar and to Obregón, December 20, 1825); and instructs Forbes to make these circumstances known to the Government of Buenos Aires. Copy. DNA, RG59, Dip. Instr., vol. 11 (M77, R6). L draft, in DLC-HC (DNA, M212, R7). Published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, I, 267-68.

From Thomas L. L. Brent, Lisbon, no. 13. States that the health of the King (John VI) grows worse; reports a conversation with the King and another with the Count of Porto Santo, both of whom expressed a desire to conclude with the United States a commercial treaty, which Brent has no authority to negotiate; suggests that the subject of a treaty may have been brought up not only from "a belief that commercial arrangements might be made beneficial to the two Countries" but also "to propitiate the United States so as that the latter might refrain from any apprehended efforts to prevent the continuance of intimate ties of friendship or alliance between Portugal & Brazil—abstain from throwing impediments in the way of the projected plan of the subsistence of the two Crowns of Portugal and Brazil under the dominion of the Emperor don Pedro on the death of his Father—and decline entering into any combination or measures tending to undermine the form of government existing in Brazil for the purpose of introducing the republican form" (see above, Raguet to Secretary of State, March 11, 1825, note; below, Pereira to Clay, February 15, 1825); characterizes the Count of Porto Santo as free of English influence, not possessed of "an enlarged mind," prejudiced against "our free principles of government," and a zealous advocate of the principles of the Holy Alliance; notes that "the King considers himself dependant [sic] on" Great Britain for protection at home and for maintenance of harmonious relations with Brazil; encloses a copy of an article, critical of American manners and institutions, from the newspaper edited by (Frederico) Torlade (de Azambuja), who has apologized to Brent for its publication; encloses also a copy of the British answer.
SECRETARY OF STATE

to a circular "which had been addressed to the Representatives of all the powers near H. M. I. Majesty" in regard to the settlement with Brazil and the title of the King. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received March 6.

From James Brown, Paris, no. 41, "Duplicate." Reports having been informed by the Count de Villele that the doubt concerning the right "of such of the ancient colonists of St. Domingo as are now residing in the United States" to claim a portion of the indemnity provided by the Haitian Government (see above, Clay to Brown, October 25, 1825; Brown to Clay, December 28, 1825) has been removed "and that they would receive their full share of the sum stipulated. . . ." Although the rules governing presentation of claims and distribution of the indemnity have not been fixed, Villele recommended "that the claimants . . . collect all the testimony in their power. . . ." He further gave assurance that he would "from time to time" give Brown "such information as might assist them in establishing their claims." LS. Ibid., France, vol. 23 (M34, R26). Received March 18.

MISCELLANEOUS LETTERS

January 9, 1826

To John Quincy Adams. Transmits documents in compliance with a Senate resolution of January 3, 1826 (i.e., January 4—U. S. Senate, Journal, 19 Cong., 1 Sess., p. 415) referred to the Secretary of State by the President, requesting the President "to communicate to the Senate confidentially, any Conventions in possession of the executive, between any of the New States of America, relative to the proposed Congress of Panama and also any other information upon that subject, not before communicated, tending to shew the propriety of the United States sending Ministers to said Congress." Comments that, although "the latter part of the Resolution . . . might be made to embrace all the Foreign relations, American and European, of the United States," a less extended scope is presumed to have been intended. Stresses, in view of the continuance of the negotiations to which the correspondence relates, "the propriety of the Confidential restriction which the Senate itself has suggested. . . ." Copy. DNA, RG59, Report Book, vol. 4, p. 118. AD draft, in DLC-HC (DNA, M212, R2). Published, with enclosures, in American State Papers, Foreign Relations, V, 840-57.

To Matthew St. Clair Clarke, "Clerk of H. R. U. S." Requests, in order to enable the President "to comply with the Resolution of the House of Representatives of the 4th. instant, calling for a 'List of all appointments made by the Executive, since the adoption of this Government, from the Members of Congress'" (U. S. H. of Reps., Journal, 19 Cong., 1 Sess., p. 117), a list of members of the House of Representatives from the First through the Eighteenth Congresses. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 242-43 (M40, R19). See below, Clay to [John Quincy Adams], April 13, 1826.

To William P. DuVal, "Governor of Florida." States that the allowance for the employment of a clerk, requested in DuVal's letter of December 16 (see above, DuVal to Clay, December 17, 1825, and note), is not authorized by precedent, by existing appropriations or by law; adds that, under the act establishing the Territorial government of Florida, "it is the duty of the Secretary, under the direction of the Governor, to record and preserve the papers and proceedings of the Executive. . . ." Copy. DNA, RG59, Dom.
January 10, 1826


To Walter Lowrie, “Secretary of the Senate of the U. S.” Requests (for reasons stated above, Clay to Clarke, this date) “a List of all the Members of the Senate of the United States, from the first organization of the Government under the present Constitution down to this time. . . .” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 242 (M40, R19).

To Robert Stanard, “Atty. of the United States for the Eastern Dist. of Virginia, Richmond.” Transmits commission for his office. Copy. Ibid., pp. 239-40. On January 16, Stanard acknowledged receipt of his commission for reappointment. DNA, RG59, Acceptance and Orders for Commissions (M-T645, R2). A native of Spottsylvania County, Virginia, he had been appointed Federal attorney in 1817 and held the office until his resignation in 1831. From 1839 to 1846 he served as a judge of the Virginia Supreme Court of Appeals.


From [Samuel L.] Southard. Reminds Clay “that the Vessel in which the Revd. Theophilus Parvin will sail, from New York to Buenos Ayres, is expected to leave on or before the 15th. Inst.” and that the dispatches for (John M.) Forbes must be in New York by that time. AN. DNA, RG59, Misc. Letters (M179, R64). See above, Clay to Southard, January 6, 1826.

From John C. Wright, House of Representatives. States, in response to the note from the Department of State in reply to his letter of January 5, that he is unable “to state the precise nature of Mr [Mathew] Jenkins’s claim. . . .” ALS. DNA, RG59, Accounting Records, Misc. Letters. Endorsed on verso by Clay: “Mr [Daniel] Brent will make the inquiry.”

Instructions and Dispatches

January 10, 1826

From James Brown, Paris, no. 42. Reports that, in compliance with the instructions contained in Clay’s dispatch no. 3 (October 25, 1825), he obtained an interview with the Baron de Damas, reminded him that in July, last, Brown had acquainted him with the views of the United States relative to Cuba and Puerto Rico, and informed him that Brown was now instructed to add that the United States “could not consent to the occupation of those islands by any other European power than Spain under any contingency whatever.” States that
Damas appeared to concur in this view "and inquired whether it had been mentioned to the British Government." He was told "that a similar communication had been made to Mr. [George] Canning ...." (see above, Clay to King, October 17, 1825; below, King to Clay, January 12, 1826, note). Reports further that, in response to an allusion to the presence of the French squadron in the West indies last summer and a statement that the United States would expect to be informed of the purpose of such movements in the future, Damas explained "the peculiar circumstances in the instance . . . alluded to" and stated "that in future the United States should be duly apprised of the objects of every such squadron sent into their vicinity." Encloses a copy of the note Brown later wrote to Damas "with the design of avoiding any mistake" in communicating the conversation to the President. LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received March 15. Published in American State Papers, Foreign Relations, V, 881-82.

From Alexander Burton, Cádiz. States that in nearly every case he has been able to find employment on American vessels for American seamen discharged within his consulate. Reports that Spain continues to license trade between herself and her colonies, "exacting four per Cent additional duty on Merchandise [sic] so imported under Foreign Flags"; that American "Shipping in Spanish European Ports" is charged a duty of one dollar per ton, compared to five cents paid by other nations; that "The quarantine regulations of Cádiz continue oppressive and absurd"; and that "Breadstuffs and other staple articles of the produce of the United States are still excluded from" Spain. Notes that there has been no change in French military strength in the district, that a new expedition of 5,000 troops is in preparation for Cuba, and that heavy losses are inflicted by Colombian privateers on Spanish coasting trade. Requests copies of United States laws enacted since 1823. ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received March 6.

From Leonard Corning, Maranham. Notes the impossibility of making accurate reports of imports and exports owing to the absence of a "law to oblige Masters of vessels, to make known the amount." ALS. Ibid., Maranham, vol. 1 (M-T398, R1). Received February 26.

MISCELLANEOUS LETTERS

From H[arrison] G[ray] Otis, Boston. Encloses documents relative to a tax of twenty five percent on the removal of American property from the Island of St. Croix; condemns this tax and expresses a hope that the United States Government will make an effort to bring about its removal; requests that he be advised of any measure adopted. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on cover by Clay: "Mr. [Daniel] Brent will prepare a letter to Mr. Otis stating that the subject of his letter forms one of the topics of a negotiation which will be shortly resumed here. HC." Cf. above, Sands to Clay, November 22, 1825, and note; below, Ridgway to Clay, April 25, 1826.

From E[lisha] Whittlesey, Washington. Encloses for certification a deposition, suggested by Clay in an "interview this morning"; requests Clay "to address a letter to Mr. [Franklin] Litchfield requesting his particular attention to securing the property of the deceased"; and states that this action "will be satisfactory to Mr [Chester] Bailey ...." ALS. DNA, RG59, Misc. Letters (M179, R64). See below, Clay to Litchfield, January 12, 1826. Litchfield, a United States citizen
residing in Porto Cabello, Colombia, served as consul there from 1823 to 1845. Bailey not further identified. On January 12, Daniel Brent supplied the requested documents. DNA, RG59, Dom. Letters, vol. 21, p. 244 (M40, R19).

From John W. Wyman, New York. Transmits, "As Counsel for Mr. John B. Marie a respectable Merchant of this City . . . Documents in support of his claim upon the Government of Mexico for the seizure and Condemnation of . . . part of the Cargo of the Brig Milo on a Voyage from New York to Alvarado in . . . 1824." Explains that "The seizure and condemnation were made under" a Mexican decree of May 20, 1824, about which Marie knew nothing when the shipment was made. Requests that the documents "be presented to the proper authority for the allowance of the claim . . . ". Copy. DNA, RG76, Mexican Claims Commissions, Claims Heard, 1825-1843, folder 75.

On January 25 Daniel Brent, "by direction of the Secretary," acknowledged receipt of this letter and informed Wyman "that Mr. [Joel R.] Poinsett is instructed, by the Letter enclosed [see below, January 25, 1826], which" Wyman is requested to forward. Copy, in ibid. Wyman and Marie not further identified.

The claim was rejected by the umpire adjudicating American claims against Mexico in 1842. Senate Docs., 35 Cong., 2 Sess., no. 18, p. 59.

Check to Isaac Cooper

Pay to I. Cooper or order forty one dollars. 
Cashr. of the Off of Dt. & Dt. Washn. H Clay

ADS. DLC-TJC (DNA, M212, R16). Endorsed on verso: "Isaac Cooper." Cooper was a gilder, located on Pennsylvania Avenue in Washington.

1 Richard Smith.

To Charles Tait

Dear Sir Washn. 11 Jan. 26

I duly recd. your favor of the 22d. inst. [sic] Your [re]ommendations both in favor of Mr. Hitchcock and Crawford came regularly to the Dept. of State. The former was appointed; and the latter is strongly recommended. But the period for acting has not yet arrived.

I should have regretted more your resignation if I had not the satisfaction to receive your assurance that you do not want the office.

I thank you for your kind expression of approbation of my conduct on the P. election. I cannot doubt that I have, because I know I ought to have, that of every candid, enlightened, impartial & disinterested man.

Should you come to this place with Mrs. T. it will give Mrs. Clay and myself much pleasure to see you and to revive and strengthen our former friendly relations.

I am Yr's with high regard H Clay

The Honble C. Tait
INSTRUCTIONS AND DISPATCHES

January 11, 1826

From James Brown, Paris, "Private." Encloses "a paper" written by "a friend" whose information Brown has "generally found to be correct" and who has given permission to impart the contents of the document confidentially to Clay; reports an "informal conversation with the President of the council of ministers" (Count de Villèle), who indicated that France and the United States would soon be "very nearly pursuing the same course in relation to the new republics," expressed a wish "that the fortresses of Callao and St. Juan d'Ulloa would surrender and leave to Spain no hope of success in the further prosecution of the war," and added "that Spain was obstinate and ungrateful, that she would neither receive wholesome advice nor pay her debts to France"; notes the probability, in view of the reception of "The official account of the capitulation of the castle of St. Juan d'Ulloa" (see above, Poinsett to Clay, November 23, 1825), that France will take "some decided measures . . . in relation to the new republics"; states that he now has little doubt of the elevation of Nicholas to the throne of Russia; and gives information of the death of (William C.) Somerville, on January 5. LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received March 15. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1419-20. The enclosure, in French, without date and signature, reports the appointment of French consuls general, though currently identified as naval agents—to Mexico, (Alexandre) Martin; Colombia, (Claude) Buchet de Martigny; Peru, (Jean Baptiste) Chaumette des Fossés; and Chile, (Charles A. L. de) La Forest—and the assignment of "le Chevalier Baudrant" (Brigadier General Marie-Etienne-François-Henri Baudrand, veteran of the Republican and Napoleonic wars), chief of the Bureau of Engineers of the Department of War, on a secret mission relating to the Panama Congress. Notes that a French official the preceding July had argued that consular appointments did not imply (diplomatic) recognition and the above-mentioned assignments were made prior to receipt of knowledge of the death of Alexander.

MISCELLANEOUS LETTERS

January 11, 1826

To Rufus King. "Envoy Extraordinary and Minister Plenipotentiary of the United States, to Great Britain." Transmits commission for his office and that
From Thomas M. Bayly, Washington. Notes that, when he left Washington last May, he was requested by (Daniel) Brent "to attend the commissioners under the first article of the Treaty of Ghent when they should meet in December"; that he returned to Washington on December 18 to find that "the board [sic] had adjourned to meet the 9th Inst."; and that he remained in the city. Encloses his account, pointing out that he "was paid in May the same as a member of Congress." ALS. DNA, RG59, Misc. Letters (M179, R64). Bayly, a lawyer, planter, and member of Congress, 1813-1815, had been a commissioner to list American property in the hands of British forces on Tangier Island in Chesapeake Bay immediately after the exchange of ratifications of the Treaty of Ghent.

From J. T. Ramsay, Alexandria, D. C. States that he addresses Clay "with a double motive" of thanking him for his "great and valuable Services" to the country and the world "and to expose the infamous government of the island of Cuba, or in other words of Havanna [sic]." Relates an incident in which the supercargo in charge of a shipment from Alexandria to Key West, in order to circumvent discriminating duties imposed on imports into Cuba in foreign vessels, committed his cargo to a Spanish vessel for transportation from Key West to Havana, only to find upon arriving in the Cuban port "that the law or practice had been suddenly and without notice changed" and that the American goods were subjected to a heavy duty. Complains of the capriciousness of the Royal Governor (Francisco Dionisio Vives) and suggests "that the Cuba or Havanna Government ought to be just, and if she is not disposed to be so, that the United States will compel it to be such." Declares that the United States Government "has always been just" and that Clay "as Secretary of State will preserve her justice and teach all nations to respect her." Adds his hope to see Clay "the Chief Magistrate of this Nation," which he "saved in the Missouri question"; an expression of sympathy with Clay and his family in their "domestic bereavements"; and a wish that the close of Clay's "useful and patriotic life may be serene, and that it may reflect a still more brilliant lustre on" the country and on Clay, himself. ALS. Ibid. Ramsay, not further identified.

From Richard Rush, "Treasury department." Encloses, in response to Clay's note of January 9 (not found), copies of two circular letters from the Treasury Department to the collectors of customs, dated July 1, 1822, and May 12, 1823, containing instructions which, Rush presumes, "will ... afford satisfactory answers to the enquiries of the Minister of France." LS. Ibid. Cf. above, Mareuil to Clay, January 9, 1826.

From Charles F. Sibbald, Philadelphia. Asserts that the condemnation of the Ranger and the non-contraband portion of her cargo was in violation of the treaty between the United States and Colombia (cf. above, Clay to Salazar, March 21, 1825) and expresses a hope for redress. LS. DNA, RG76, Misc. Claims, Colombia. Signed by Sibbald as "Agent for owners of the Ranger." Endorsed by Clay on verso: "... Mr. Brent will inform the writer that the subject shall have due attention." Brent's letter, in accordance with these instructions, was dated January 18. Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 251-52 (M40, R19). Sibbald has not been further identified at this period. A decade later he had become active in the lumber business in Florida.
APPLICATIONS, RECOMMENDATIONS

January 11, 1826

LEWIS CONDICT, "House of Reps," recommends for appointment to publish the laws, the Morristown, New Jersey, Palladium of Liberty, whose editor (Jacob Mann) "has been an undeviating Republican for more than 20 years." ALS. DNA, RG59, P. and D. of L. Condict, a Morristown physician, had served as sheriff of Morris County (1801-1803) and member of the State house of assembly (1805-1806), where he had been speaker; was a member of Congress from 1811 to 1817 and from 1821 to 1833; was one of the incorporators, and first president, of the Morris and Essex Railroad Company; and was again speaker of the State assembly from 1837 to 1838. Mann had established the Palladium of Liberty in 1808. He did not receive the appointment here recommended. On January 18, William Browne replied, at Clay's instruction, that other journals had already been designated. DNA, RG59, Dom. Letters, vol. 21, p. 252 (M40, R19).

JOHN CROWELL and GILBERT C. RUSSELL, Washington, recommend "Major Wm. M. Triplett (late of the Army) now Comptroller-General of the Treasury of Georgia," for appointment as marshal for the District of Georgia. ALS by Russell, signed also by Crowell. DNA, RG59, A. and R. (MR1). See above, Crowell to Clay, May 19, 1825. Russell, born in Tennessee and commissioned to the United States Army from that State in 1803, had risen to the rank of colonel in the War of 1812, had subsequently resided at Claiborne, Alabama, where he had become justice of the peace of Monroe County (1818), and was now engaged in commercial activity. Russell County, Alabama, was named in his honor.

HENRY H. GURLEY, Washington, recommends William Grivot, editor and publisher of the Baton Rouge Gazette, Louisiana, for appointment to publish the laws. ALS. DNA, RG59, P. and D. of L. See below, Clay to Ferguson, January 13, 1826. Grivot not further identified.

To Nicholas Biddle

Dear Sir

Washington 12 Jan. 1826.

I have the pleasure to introduce to your acquaintance J. R. Underwood Esqr. of Kentucky, who will present you this letter. Mr Underwood is a gentleman of the profession of the law enjoying the confidence and esteem of all who know him. He has some business with your Bank, to which he intends to make a frank and full exposition of the unfortunate state of his affairs, produced by others rather than any imprudence or misconduct of his own, by which he is rendered altogether unable to pay a large mass of debt for which he stands responsible. Mr. Underwood possesses the recommendation, unhappily too rare, of preserving the rectitude of his principles, notwithstanding the loss of his fortune; and I
In one of the enclosures Canning, replying to a note from King, states that France has been informed that (James) Brown’s instructions (above, Clay to Brown, October 25, 1825) “were perfectly in accordance with the sentiments of” the British Government and reminds King that the “Tripartite engagement” proposed to France and to King in August (see above, King to Clay, August 9, 11, 24, 1825), “sufficiently expressed the determination of the British Government not to take Cuba itself,—Nor to suffer the appropriation of it to themselves by either of the other two great Maritime Powers.” The enclosures from Hanover propose “the establishment of a System of Reciprocity with regard to the Duties to be levied on the Hanoverian and American Shipping in the Ports of the united States and of Hanover. . . .”

Itabajana not further identified; King may have confused him with José Joachim Olmedo, a poet, who represented Peru, his native State, in London and Paris from 1825 to 1828.
From Matthew St. Clair Clarke, "Clerk Ho. Rep. US." Acknowledges receipt of Clay's request of January 9; states that "This is a tedious job—but shall be done, as soon as possible." ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS January 12, 1826

Robert Swartwout, New York, recommends David B. Ogden, "a devoted friend of the Administration" and "personally and warmly" Clay's friend, to replace (Robert) Tillotson should the latter retire as district attorney. ALS. DNA, RG59, A. and R. (MR3). Robert Swartwout, brother of Samuel, had served as quartermaster general of the United States Army during the War of 1812 and was now engaged in mercantile operations in New York. Tillotson was not replaced until 1828; Ogden received no appointment.

From James Brown

My dear Sir Paris Jany 13 1826

You will discover as well from the English as French Journals, that Mr. Adams Message\(^1\) has given great satisfaction in Europe. It has been inserted at full length in three of the Paris Gazettes and is read with great pleasure, and spoken of in terms of high approbation wherever I have heard it mentioned. From a letter which I had received some short time ago I had apprehended it might have spoken with too much warmth on a certain subject\(^2\) and although much warmth would have been justified by the circumstances of the affair, yet I cannot help thinking that the expression of it ought to be postponed for a short time under my full beleif [sic] that circumstances will unfold themselves on this side of the Atlantic which will afford an opportunity of rendering complaints more efficacious than they can be if uttered at this time. We are growing rapidly into notice and importance and have already through the moderation, wisdom, and justice of our administration, produced a great moral effect in Europe. This will grow by forbearance, and will, in a very short time, avail us profitably, in asking justice of those who have hitherto refused it to us— As the offer to treat proves that our claims have not been rejected, we may take our own time and manner of again bringing them forward, and the national honor will not suffer by the delay. At this moment of general tranquility, the first nation which shows a disposition, except for causes the most grave, to provoke hostilities will perhaps draw upon itself some odium, as at this time almost every nation seems to wish for repose— The latest news from Russia is not of a character to tranquilize the public mind. The succession of Nicholas to the throne on the reiterated renunciation of Constantine
January 13, 1826

has given great dissatisfaction [sic] to some of the troops who having refused to take the oath and actually proclaimed the elder brother as Emperor, were fired on and dispersed by the regiments who were faithful to the present Emperor. It remains to be seen what will be done by the large armies stationed in Poland and on the frontiers of Turkey, particular by [sic] the latter, who have long wished to make war upon the Porte. The news of this revolt has caused a very considerable depression of the stocks on yesterday notwithstanding all the efforts of some wealthy Bankers and of the financial Department to prevent it.

It is said that England and France will in a few days conclude a Commercial treaty the terms of which are not known to the public. It is believed that the principle of reciprocity as it relates to Navigation will be adopted. Should this be the case it is to be hoped we shall have no more trouble as it relates to our Convention —

As England agrees with us in our course in relation to Cuba and France coincides in not wishing to disturb Spain in the possession of that Island & Porto-Rico I think we may rest without any apprehensions on that subject in future. Indeed now that St Juan de Ulloa has fallen, I shall not be surprised if this Government after admonishing Spain to recognize her late Colonies, shall, on her refusing to do so, acknowledge their independance [sic] and open commercial relations with them. You will see that Agents, converted into Consuls General, and Consuls, have already been sent to the New Republics. In the mean time Spain seems to persevere in her old plan of suffering every thing except liberal ideas and doing nothing.

The Chambers will open on the 30th. and the Ultra Royalist opposition professes to be sanguine in the hope of expelling the present Ministry. I am told that in addition to the blame attached to the Ministers on account of the 3 percents, the recognition of Haiti will form a prominent charge against them. This measure is arraigned as unconstitutional and impolitic—unconstitutional in ceding away a portion of the Kingdom without the consent of the two Chambers—impolitic in the encouragement it gives to revolutionary governments and to insurrections of the slaves. Although the opposition may have gained strength since the last Session yet I cannot believe that Mr. de Villele will loose [sic] his majority in either Chamber, and it is said the King will not dismiss him so long as he retains the confidence of the Chambers.

Would it not be worth while to examine carefully the question arising under the 8th. Art. of the Louisiana Treaty with the view of determining whether, although the pretensions of France to place her navigation on the footing of that of Great Britain &c. are unfounded, she has not some reason to complain of the extra-
ordinary tonnage duty laid in retaliation for her discriminating duties, at a time when the Vessels of nations with whom we had no treaties were permitted to enter our ports on more favorable terms? It has been hinted to me that the intimation in the Baron de Damas letter of the 12 Novr. that the present Government was irresponsible for our claims was given as a reply to that part of my letter in which whilst I offered to treat on the 8th. Art. I stated that I was instructed to deny that France had any claim whatever under that Article— I merely suggest this for consideration without pretending that I have given the subject that profound examination which I should have done if negociations had commenced upon it and my attention had been called to it more particularly— It is unfortunate that these claims should weigh upon the present administration and more particularly so that they should have been made a subject of discussion at every stage in the two houses. I think it probable that you will have a party in favor of Genl Jackson formed immediately, and of course every circumstance which can be made to bear against the Administration will be seized on, and employed in attacking it. If tranquility abroad is preserved, the prosperity enjoyed at home will ensure the standing of the administration—

I have found the Exchange so unfavorable that I have been unwilling to draw on you for the small amount advanced for your furniture. I have however been lately asked if I could remit for a lady 4000 francs to New York and as it may suit you to pay the draft at 60 days it is probable I may draw for that sum as the draft can probably be received at par.

My health has continued to improve ever since my visit to the Mineral waters last summer, although I have been much exposed by night air and late visits. If I could repeat my visit next season, I think I should completely eradicate the complaint from which I have suffered so long and so severely. Although I am free from pain, yet my nervous system has undergone a shock so severe, that it must be some time before its energy can be restored.

Paris has been more frequented by Americans lately than it was in former years, and almost all who arrive bring letters and expect the attentions of their Minister. We do all we can to give satisfaction but fear that we cannot always please as some of them expect from us what the usages of France do not permit, that we shall introduce them to all those houses at which we visit. This they know can be done in the United States but they do not recollect that the number of strangers here is so great that they cannot all be introduced every where. In general I hope we have satisfied their expectations as we have frequently invited them to large evening parties where their curiosity has been gratified by meeting the most distinguished men of France.
January 13, 1826

Mrs. B. is well and joins me in Affte. regards to Mrs. C.

Yours very sincerely

JAMES BROWN

I intended to have sent Mr Somervilles Will by this opportunity but as the witnesses reside here I have some thought of having their proof of the acknowledgement before our consul and a copy left here— I will send it on the 25th.

ALS. DLC-HC (DNA, M212, R2).

1 The annual message, December 6, 1825.
2 See above, Clay to Brown, November 14, 1825, and note.
3 See above, Middleton to Clay, December 18, 1825, note; January 2, 7, 1826.
4 The Convention of Commerce, signed at London, January 26, 1826, and effective after April 5 of that year, was designed primarily to provide “reciprocal abrogation of all discriminating duties levied upon the vessels of either of the two nations in the ports of the other, whether under the heads of duties of tonnage, harbour, light-house, pilotage, and other of the same description, or in the shape of increased duties upon goods on account of, their being imported or exported in other than national vessels.” In respect to the last clause, however, it was required that productions of European countries might not be imported into either Britain or France in vessels of the other without having been laden in some port of the vessel’s home country. Produce from Asia, Africa, and America was barred from both states in vessels of the other, except for warehousing and re-exportation; but a separate, additional article lifted this restriction after October 1, 1826, relative to exports from the colonies of the contracting states, excepting those held by the East India Company, insofar as the products of those colonies were “not prohibited to be exported from such colonies in vessels other than” those of the parent state. The treaty was to run for ten years and then for twelve months after notice of termination. Annual Register, 1826, pp. 82*-86*.
5 Cf. above, Ill, 53n; Clay to Brown, May 9, 1825.
6 Cf. above, Brown to Clay, January 11, 1826, note.
7 Cf. above, Brown to Clay, April 1, 1825, note; October 29, 1825.
8 See above, Holden to Clay, July 16, 1825, note.
9 Charles X.
10 Cf. above, Brown to Clay, November 28, 1825.
11 Both the Senate and the House had passed resolutions, during the preceding Congress, calling upon the President to furnish the correspondence relating to American claims on France. President Monroe on December 23, 1824, had met a House request for that relating to injuries to American commerce during the Napoleonic seizures after 1806, but House and Senate demands for correspondence concerning the status of American claims arising from depredations during the period 1793 to 1800 remained to be met by the Adams administration. Annals of Congress, 18 Cong., 1 Sess., XLI, 317, 320: XLII, 2431, 2457, 2701-2703, 2759; Register of Debates, 18 Cong., 2 Sess., Appendix, 41-47. See also below, Clay to Adams, May 20, 1826.
12 See above, Brown to Clay, November 12, 1825.
13 See below, Brown to Clay, January 36, 1826.
14 Cf. above, Brown to Clay, January 11, 1826.

From Robert Wickliffe

The Honble H Clay

Lexington Jany 13th 1826

D Sir

I perceive a most unpleasant controversy is arising between the friends Of Boyle & Trimble1 Knowing your opinion of both the men, I am satisfied that you in common with their friends will be unwilling to make a selection

They are both great Lawyers & good men, & my friends— But it really does seem to me, that to pass Trimble by, after he has so long & so faithfully discharged the duties of the office2 would imply an inferiority between him & Boyle that does not exist, will it
not do to Continue Todd\(^3\) in the 7th that is the Ohio District, appoint Trimble to this & Missouri & appoint Boyle to the District.\(^4\) It is for Boyle the preferable office & the arrangement will do best in another point of view poor Todd will never walk another Court house. Although he may live many months of course he never can go to St Louis  Peck\(^5\) I am told is Blind & If Todd is Continued in this District Missouri must be without a court. I know Missouri & Ohio may kick at this; but it is the better way. place what weight you please on these remarks

You have seen that we must again agitate the Court question\(^6\) or in other words for [sic] the majority Connected with this question is a settled Opposition in the Leaders of the New Court party to the administration, I think they are getting weaker every day and in one year more will become odious at least the Leaders will The administration is gaining friends & the glowing aspect exhibited [sic] in the Presidents message\(^7\) is some consolation to us amid the ruins of our State: His message is. acknowledged to be a splendid effort of Talent. a [sic] patriotism. There is however a strong party that waits only the moment to come forth. In hast [sic] yours Respy

R Wickliffe

1 John Boyle; Robert Trimble.
2 See above, II, 307, 308n.
3 Thomas Todd.
4 Cf. above, III, 551n; Hammond to Clay, January 4, 1826.
5 James H. Peck, born in Jefferson County, Indiana, where he studied law and began practice, had moved to Missouri in 1818. He had been appointed Federal attorney for the Territory the following year and in 1822 had been named district judge, a position which he held until his death in 1836.
6 See above, Kendall to Clay, December 25, 1825.
7 The annual message of December 6, 1825.

INSTRUCTIONS AND DISPATCHES  January 13, 1826

From John Cuthbert, Hamburg. Reports that "The recent occurence in St Petersburg, caused at the moment considerable anxiety and alarm in Germany, but which is gradually subsiding"; refers to the contradictory nature of the reports; surmises that "the present Emperor [Nicholas I] is not the Person wished by the Army, and most probably by the People"; notes an opinion among "many, and well informed Persons here, . . . that the late Emperor [Alexander I] died through violence. . . ." ALS. DNA, RG59, Cons. Disp., Hamburg, vol. 3 (M-T211, R3). Cf. above, Middleton to Clay, December 18, 26, 1825; January 2, 1826.

MISCELLANEOUS LETTERS  January 13, 1826

To [David Ferguson] editor of the Louisiana Herald, Alexandria. In consequence of discontinuance of the Louisiana Herald, revokes its authority to publish the laws; adds that the appointment has been given to the Baton Rouge Gazette. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 246 (M40, R19). Ferguson, who
had been a commercial agent at Natchez before the turn of the century, had acquired the *Louisiana Herald*, from the firm of W. and B. Morrison (not further identified), a short time before it was discontinued, in the fall of 1825.

From John Clarke and Hugh R. Merseilles, Bridgeton (New Jersey). Clarke, having disposed of the *Washington Whig* to John McChesney, authorizes Merseilles to draw on Clay for payment for publishing the laws. LS, in McChesney's hand. DNA, RG59, P. and D. of L. In an endorsement (AES) bearing the same date, John I. McChesney engages to publish the laws in the *Washington Whig*. The newspaper, founded in 1815, had been purchased by John Clarke and Company in 1821. Merseilles and McChesney not further identified; the former was probably Clarke's partner.

From Henry A. S. Dearborn, "Custom House, Boston." Requests instructions whether to impose a penalty on the *Cadmus*, which, having cleared the port of Boston in 1822 on a whaling voyage, left a sick seaman at Rio de Janeiro without a regular discharge. LS, DNA, RG59, Misc. Letters (M179, R64). On February 4, Daniel Brent, at Clay's instruction, replied that the bond of the owners of the *Cadmus* ought not be cancelled, "otherwise the provision of the Law, with respect to sick or disabled seamen will have been entirely evaded in the case of the one left at Rio de Janeiro from that Vessel." Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 265-66 (M40, R19).

From John Forsyth, "Room of the Committee of Foreign Relations of the House of Representatives." Transmits a "Copy of a Bill to provide for the apprehension and delivery of deserters from French Ships" and requests that Clay "answer the inquiries contained in the accompanying paper." LS, DNA, RG59, Misc. Letters (M179, R64). The enclosures include requests for Clay's opinion of the bill, his suggestions for improving it, and any further information he may have on the subject. Cf. above, Forsyth to Clay, January 3, 1826; Clay to Forsyth, January 5, 1826.

From Samuel L. Southard, Navy Department. Acknowledges receipt of "the letter of Mr. Bradford," referred by Clay to the Navy Department, and states that it has been filed "with others on the same subject." Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 158. The letter has not been found; its author and subject have not been identified.

To Louis McLane

Lewis McLane, Esquire. Chairman of the Committee of Ways and Means. H. R.

Sir. Department of State, Washington, 14 January 1826.

I feel it to be my duty to submit to the consideration of the Committee of ways and means the propriety of making provision for an addition to the present number of Clerks in the Department of State. Independent of the increase of business proceeding from an augmentation of the population and wealth of the Country, there has been a great recent addition to the labors of that Department, made chiefly within the present year in the institution of diplomatic and other relations with the new American powers, by
which our foreign Missions are duplicated. We have seven missions in Europe, and (including the Republic of Peru, to which one is proposed) We have also seven on this Continent. There is likewise a considerable increase, though not yet in the same proportion, of our Consuls, in consequence of that description of public Agent, which was not received during the prevalence of the Spanish Colonial System, being now admitted by the independent American Powers. All the newly established States with which We have thus become connected, conduct their correspondence with us in the Spanish and Portuguese Languages, and hence the necessity of translations much more frequently than formerly. Some estimate of the extent of the duties attached and which properly appertain to this Department may be formed by considering that it maintains a regular foreign correspondence with fourteen American Ministers who are abroad of both grades, four agencies at the four Barbary Powers who unite in themselves the functions of Ministers and Consuls, two Agents of public Claims at Paris and London, one hundred and ten Consuls, generally about fourteen foreign Ministers resident in the United States and a large though fluctuating number of foreign Consuls in the United States. Special Missions, sometimes public and sometimes private, according to the exigencies of the public service, occasionally sent to foreign Countries, also serve to add to our labors.

On the extent, nature and variety of the domestic business which is confided to the Department of State it is not supposed to be necessary to dwell. But it is proper that I should state that portions of it are in great arrear. It is made the duty of the Secretary of State by the Act of 1789 to cause the bills, orders, resolutions and votes of Congress to be recorded in books to be provided for that purpose. There is scarcely a record in the office made in compliance with that Law. From the commencement of Mr. Jefferson's Administration no manuscript records have been attempted to be made of the Acts of Congress, except an inconsiderable essay which has been begun, since the fourth of March last. Those which were made prior to that period were destroyed. Thus, if the requirement in the Act of 1789 remains unrevoked it is necessary to have recorded the Acts of Congress almost for the whole period of the present Government. It is probable that some of my predecessors supposed that a careful preservation of the printed Acts was a substantial compliance with the Law. My immediate predecessor thought otherwise, but could not with a proper attention to other official calls advance further in the work than to collect some blank record books which were wanted for its execution.

If there be any diversity of opinion as to the utility of a manuscript record of the Acts of Congress, considering how extensively they
are diffused, and therefore how great the chance of their preservation is, through the medium of the press, there will, it is believed [sic], be none as to the propriety of such a record of patents, granted to authors and inventors, which have no such actual means of diffusion and preservation. But all the Patents which have been issued to promote the progress of science and the useful Arts remain to be recorded with the exception of some few which have been recently recorded. The business of the Patent Office had increased to an extent so far beyond the capacity of the Superintendent and his Assistant 3 to execute it that I felt it necessary during the last summer, to sanction the temporary employment of two additional Clerks 4 for the necessary transaction of its business until the pleasure of Congress could be known.

Should the Department of State continue unchanged in its present organization, 5 I beg leave respectfully to submit that to ensure the prompt, full and faithful despatch of the public business, it is necessary that authority should be given to employ, in addition to the Clerks now authorized by law, one translator of foreign languages and three other Clerks, two of them for the Department of State and one for the Patent Office. 6 I have the honour to be with great Respect, your obedient Servant. H. CLAY.

Copy. DNA, RG59, Report Books, vol. 4, pp. 119-20. Cf. above, Clay to Nourse, November 11, 1825, enclosure. 1 1 U. S. Stat., 68. 2 John Quincy Adams. 3 William Thornton; William Elliott. The latter, born in England, had been employed by the State Department for more than a decade. 4 William P. Elliott and Alexander McIntire, not further identified. For a record of these expenditures, see House Repts., 20 Cong., 1 Sess., no. 226, pp. 29-42 passim. 5 Cf. below, Clay to Webster, February 16, 1826, note. 6 The desired legislation was not enacted until March 2, 1827, when the Secretary of State was authorized to hire three additional clerks for general work of the Department and another clerk for the patent office. 4 U. S. Stat., 233-34. Meanwhile, the Congress having adjourned in May, 1826, without providing for such an expansion of the staff, Clay had halted employment of "the Extra-Clerk." Cf. below, Clay to House of Representatives, January 11, 1827.

Bill from John Eschbach

Hon. Mr Han. Clay Sar of the U. Stats. To John Eschbach Dr

Spr " To 41. feet 7. Inches of Corb [sic] Stone at 24 Cent [sic] p foot. $9.98
" To 41. feet 7. I. of Paving by 8.6. Wid. 17.25
" Making 39½. Sqr yard [sic] at 44. Cent pr yard 2.00
" To Reparing [sic] the Pavment [sic] in frount [sic] of your Hous [sic].

$29 23

[Endorsements on verso] 1

The work was done by Mr. Eschbach under a law of the corp'n., 2 & he charges the same price to Mr. Clay, that he charged to the Bank—
The bill formerly pd.\(^3\) by Mr. Clay, was for filling up the footway—Jany 15, 1828.

Pay the within sum of Twenty nine dollars 23 Cents to John Eschbach or order.

Cash of the Off. B. U. S. Washn.\(^4\)

Janry 15. 1828 Receivd. pament \[sic\] in full

D. DLC-TJC (DNA, M212, R16). Eschbach, not identified. 1 Each, AES. 2 Of the City of Washington. 3 Not found. 4 Richard Smith.

\textit{INSTRUCTIONS AND DISPATCHES} January 14, 1826

From \textsc{Andrew Armstrong}. Acknowledges grant of a furlough (cf. above, Armstrong to Clay, June 14, 1825); states that he cannot now leave his post owing to the daily expectation of the return of the commissioners who have negotiated a convention (with France) and to the expectation that the legislature, now in session, will make important changes in the judicial and financial systems. Sends a copy of the convention. ALS. DNA, RG59, Cons. Disp., Cap Haitien (M9, R-T5).

From \textsc{Rufus King}, London, no. 17. Encloses “the Note last Evening received from the office for Foreign affairs” in reply to his “Note of the preceding day” and, in addition, documents “published at St. Petersburgh relative to the Russian Succession.” LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Published in Manning (arr.), \textit{Diplomatic Correspondence . . . Latin-American Nations, III, 1580}. The enclosed note, from George Canning, explains that the only reason his note of January 10 did not state that Great Britain had informed France of its decision not to “consent to the occupation of Cuba and Porto Rico, by any other European Power than Spain, was “that a full communication of the Views and Intentions of the British Government precisely to that effect, had been made” to France as long ago as July. Cf. above, King to Clay, January 12, 1826. For the Russian documents (not found here), see \textit{Annual Register, 1825}, pp. 96*-103*.

From \textsc{George Moore}, Trieste. States that “There appears to be hardly a remaining hope for the Greeks unless . . . the new Emperor of Russia should espouse their cause”; reports that “The British Government have at present two Contracts for hemp in this Quarter. . . .” ALS. DNA, RG59, Cons. Disp., Trieste, vol. 1 (M-T242, R-T1). Received April 25.

From \textsc{Joel R. Poinsett}, Mexico, no. 33. Encloses an exchange of letters with the Mexican Government relative to (Alexander H.) Everett’s address (upon his presentation at the Spanish Court), the publication of which produced a “very unfavorable impression” in Mexico; reports that the possibility of marking the road “from the frontier of New Mexico to Santa Fé . . . has been again taken into consideration” (see above, Clay to Poinsett, March 26, 1825) and that, according to information obtained from the Secretary of Foreign Affairs (Sebastián Camacho), the Mexican “Congress has assumed all debts contracted by the preceding governments of Mexico, and were about to create a tribunal to decide on the validity of all claims”; notes that “the claim of Julius [sic] de Mun and his companions” (see above, Chouteau and De Mun to Clay, May 3, 1825) will be submitted to that tribunal and that documents are needed to substantiate it; and transmits “A translation of the reply of the Secretary of

\textsc{SECRETARY OF STATE} Rd Smith Cas

H Clay

\textsc{JOHN ESCHBACH}

In his address to Ferdinand VII (see above, Everett to Clay, September 8, 1825), referring to the location of the United States "in the immediate neighborhood" of some of Spain's "most valuable possessions," Everett had commented that the nations "seem to have been intended by nature for friends and allies" and had offered assurances that "The Govt. of the United States will use all proper exertions for giving effect to these beneficial designs of Providence . . . ."

**MISCELLANEOUS LETTERS**

January 14, 1826

To William B. Hodgson. Encloses a sealed letter to William Shaler (probably above, Clay to Shaler, December 29, 1825), with a copy for Hodgson's information, committing Hodgson to Shaler's care; instructs Hodgson to report, "from time to time," on the progress made in his studies and to add "such observations and remarks" as he supposes "will be either useful or interesting"; states that $600 per annum is being provided for his expenses in Algiers and $350 is being advanced to pay for passage and other necessities on his way to that country. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 247-48 (M40, R19). Copy also in DNA, RG59, Cons. Instr., vol. 2, p. 452 (M78, R2). On February 4 Hodgson acknowledged receipt of this letter. ALS. DNA, RG59, Cons. Disp., Algiers, vol. 11 (M23, R-T13).

From Fort[unatus] Cosby, Louisville, Kentucky. Requests aid in having his son, James Smiley Cosby, sixteen years old, a midshipman in the Navy, stationed at New Orleans, "placed in Active service in a more healthy climate." ALS. DNA, RG59, Misc. Letters (M179, R64). See below, Southard to Clay, February 4, 1826. Young Cosby, who had been born in Louisiana, remained in the Navy only briefly. He returned to Louisville and lived there the remainder of his life, employed in later years as a clerk.

From Daniel Raymond, Baltimore. States that he is transmitting a copy of the Baltimore Gazette of a few days past, which contains an article he thinks responsible for the impending Congressional inquiry into the publication of the laws; assures Clay that he "may rely on the accuracy of the Statements there made." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: "... Publication of the Laws—the News paper not red." Raymond, born in Connecticut, was a Baltimore lawyer, noted principally for his writings on political economy, in which he strongly advocated a protective tariff and deliberate governmental regulation of the national economy. He had published Thoughts on Political Economy in 1820 and later (1828) issued a tract on The American System. Around 1840 he removed to Cincinnati. On the resolution investigating the award of printing contracts, see below, Clay to Taylor, January 16, 1826.


From Samuel Southard, Navy Department. Acknowledges receipt of "the letter of Mr. James" (not found), sent by Clay to the Navy Department. Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 159. James not identified.
From Charles R. Vaughan, Washington. Transmits a copy of a letter received from Sir Peregrine Maitland, Governor of Upper Canada, stating that in the case of (John) McDonnell "the Noli Prosequi was regularly entered according to directions received from the British Government" but that the Governor took "no measures for informing Mr. Macdonell of that event." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). ALS draft, in MiD-B. Endorsed by Clay: "Mr. [Daniel] B[rent] will write to Mr. [Gabriel] Richard & transmit him copies of these papers." See above, Rush to Clay, May 12, 1825, note; Richard to Clay, October 17, 1825.

Maitland, after serving in the British forces during the Napoleonic Wars, had been named Lieutenant Governor of Upper Canada in 1818. He held that post until 1828 and then became Lieutenant Governor of Nova Scotia until 1834, commander of the army at Madras from 1836 to 1838, Governor and commander in chief at the Cape of Good Hope from 1844 to 1847. He was raised to the rank of full general in 1846 and named a Knight of the Grand Cross of the Bath in 1852.

To the Baron de Mareuil. Transmits, in reply to his note of January 9, "a communication from the Secretary of the Treasury" relative to the execution of article 7 of the convention with France of 1822. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 249 (M38, R3). ALI draft, in CSmH. See above, Rush to Clay, January 11, 1826.

Notes that "The mercantile distress so severely felt in other Countries" is beginning in Denmark, where prices are declining; that "During the last two months considerable parcels of Grain" have been shipped to Great Britain; but that this development was checked by the severity of the winter. ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received April 26.

To John W. Taylor, "Speaker of the House of Representatives." "In obedience to a resolution of the House . . . of the 12th instant, directing the Secretary of State to communicate to the House a list of the Newspapers in each of the States and Territories, and the newspaper in the District of Columbia, in which the Laws of Congress have been directed to be published during the years 1824 and 1825; and, also, a list of such papers in which said laws have been directed to be published during the year 1826; and, also, communicate to the House, the expense annually paid for publication of the laws, and other public printing, under the authority of the Department of State" [House of Reps., Journal, 19 Cong., 1 Sess., pp. 141, 143], transmits the information called for. . . ." House Repts., 19 Cong., 1 Sess., no. 41, p. 3. Attested copy of the House resolution, in DNA, RG59, Misc. Letters (M179, R64).

Requests, at the urging of (Isaac) Munroe, a copy of the "letter from the Members of Congress recommending the Editor
To John Forsyth

Sir, Department of State, Washington 17. January 1826.

I have the honour to acknowledge the receipt of your letter of the 13th. Inst. and respectfully to state in reply: That the provisions of the Bill which the Committee has prepared appeared to me to be in conformity with the Convention with France. One or two slight alterations only present themselves to me which I submit to the consideration of the Committee. The first is to substitute in the sixth line of the enacting Clause the word Vessel to that of Ship, and another is to add, after the word "arrested" in the thirteenth line the following or tantamount expressions "not being a native or naturalized Citizen or Citizens of the United States" The effect of this last would be to exclude our own Citizens from restoration to the foreign vessels. Whatever may be the language in that respect of the Convention, it can hardly be supposed to have been intended by either of the high Contracting parties to arrest and surrender his own Citizens to the other in the rare case of their composing any part of the Crew of the Foreign Vessel.

In regard to the third enquiry which the Committee has done the honour to address to me, I beg leave to say, that I think it would comport with the liberality which eminently characterizes the foreign policy of the United States to tender to all foreign Nations an adequate provision for the mutual surrender of Seamen composing a part of the crews of both public and private Vessels when the fact of desertion occurs in our jurisdiction. To a foreign Vessel arriving in our ports (and consequently to our own when in Foreign ports) especially when the language of the Commander and the Crew is different from the local language, the amount of vexation, expense and delay produced by desertion is often very great. We derive on the other hand no advantage from these deserters which should induce us to desire their accession to our population, at least none which bears any proportion to the practical inconvenience which the Foreigner experiences by their desertion. On the contrary, if they enter into our marine they perhaps take the place and acquire the wages of native Seamen, whom it is much more important to us to rear and to encourage.

The want of adequate means to recover deserters from the Crews of Foreign Vessels, in the Ports of the United States frequently forms the subject of representation and complaint on the part of Foreign Agents, and the same inadequacy of legal provision is often severely felt by our Vessels, in their turn, in foreign Ports.
When the application is made to us to assist in the recovery of deserting seamen, in behalf of a nation whose laws do not, in the analogous case, provide for the return of our deserting Seamen, there is no difficulty in giving a prompt and satisfactory answer. But when, as sometimes happens, it comes to us from the representative of a power, whose police readily co-operates [sic] in their Ports with the Commanders and Masters of our Vessels in recovering deserters from their Crews, it is not so easy to frame an answer conceived in a spirit of reciprocal liberality. Such complaint has been recently received at this Office from the Dutch Minister, who affirms that, in the Ports of the Netherlands, American Seamen are restored to the service of their Country whenever an Appeal is made to the local Magistracy. 2

With those views, I beg leave to present for the consideration of the Committee the draft of a bill prepared in conformity to them. It provides for the restoration of Foreign Seamen in all cases where, by the laws of the Country, to which they belong, American seamen will in like manner be restored; and it confides to the Executive the duty of ascertaining the state of the Foreign Law. I have the honor to be with great respect Your Obedient Servant.— H. CLAY.

To the Honble Jno. Forsyth, &c &c &c &c.

Be it enacted &c.

That on application made in writing of a Consul or Vice Consul of any Foreign Nation accredited by the United States stating that the person or persons therein named, have deserted from a public or private Vessel of such foreign Nation, while in the jurisdiction of the United States, and on proof, by the exhibition of the Register of the Vessel, shipsroll, or other official document that the person or persons so named belonged to the crew of the said Vessel, it shall be the duty of any Court, judge, justice, or other magistrate, having competent authority to issue warrants of arrest, to cause the said deserter or deserters to be arrested for examination; and if, on examination, the facts stated are found to be true, such deserter or deserters, not being a native or naturalized Citizen of the United States shall be delivered up to the Consul or Vice-Consul to be restored to the vessel or sent back to his Country; or, on the request, and at the expense [sic] of the said Consul or Vice Consul, shall be detained, for any period not exceeding three months, until the Consul or Vice-Consul finds an opportunity to send such deserter or deserters back to his Country: Provided nevertheless, that the benefit of this Act shall not extend to any Nation whose laws and usages do not provide for a similar restoration in the case of desertion within its jurisdiction from Public or private Vessels of the United States of persons composing a part of the crew of such Vessels, to be ascertained in the manner hereinafter declared.
And be it further enacted, that upon satisfactory evidence being given to the President of the United States, by the Government of any Foreign Nation, that according to its laws and usages, persons being part of the Crew of a public or private Vessel of the United States and deserting within the limits of its jurisdiction, and not being a Citizen or subject, native or naturalized, of such foreign Nation, can, upon application of the Consul or Vice-Consul of the United States or of the Captain or Commander of the Vessel, be arrested, secured and restored with the aid of the magistracy or police of such foreign Nation, The President is hereby authorized to issue his proclamation announcing that to be the State of the laws and usages of such foreign Nation, and thereupon the first section of this Act shall be fully executed and enforced in behalf of such foreign Nation.3

INSTRUCTIONS AND DISPATCHES

January 17, 1826

From Condy Raguet, Rio de Janeiro, no. 5. Transmits the answer of the Brazilian Government to his “late representation in regard to the Ship Spermo, by which it will appear, that the case is to be sent back to Pernambuco”; states that he has been consulted in regard to the practice of the United States in regard to “colonization,” or settlement of public lands; reports a general belief that the terms of the commercial treaty recently signed at Rio de Janeiro with France are the same as in the treaty with Great Britain (see above, Raguet to Clay, October 26, 1825, note). Predicts that Portuguese commerce, now on the same footing as British, will soon receive special favors; asserts that annoyances to the commerce of the United States have already begun, that, unless stopped “by some decided marks of disapprobation on the part of Our Government, this nation will become every day more and more arrogant,” and “that nothing short of the fear of reprisals, will save our commerce from an infinitude of vexations, during the progress of the War with Buenos Ayres.” Discusses the war, the movement of troops, and the activity of privateers; states that he has “given notice of the intended blockade of the River Plate, and of the declaration of war, against the United Provinces” to United States diplomats in Europe and America; comments on the nature of the blockade, speculation concerning a proposed trip of the Emperor to Bahia, and the latest information from Montevideo. Noting Brazilian dissatisfaction with the “equivocal” language of the Portuguese ratification of the treaty between these countries, announced here on January 2, Raguet reports opinion that the Emperor (Peter I) will refuse to receive “a gentleman . . . named Perreira, who calls himself Chargé des Affaires, his credential letter remaining among dispatches yet unopened; explains that “Mr. Perreira,” a native of Portugal, was formerly “employed here in some inferior station, such as Interpreter at one of the ports” and then “sent
out of the country, on account of his opposition to the cause of Independence.”

Under the treaty between France and Brazil, ratified at Paris on March 19, 1826, France recognized the independence of the former Portuguese colony but agreed that, while the most-favored-nation principle should govern commercial relations between the signatories, “Portugal should not be taken as the term of comparison, if it should come to enjoy commercial privileges in Brazil. . . .” Reciprocity was to be accorded the goods and the shipping of either signatory in the ports of the other. Deserters from military, naval, or mercantile forces and accused criminals were to be surrendered upon demand. Annual Register, 1826, pp. 253-54.

Pereira, probably José Clemente Pereira, who had come to Brazil in 1815, practiced law, held office as a circuit judge first of Praia Grande (Niterói) and later of Rio de Janeiro, where he had also been, prior to his deportation, president of the Senate, was accepted as Portuguese Minister on April 14, 1826.

From Beaufort T. Watts, Bogotá, no. 9. Encloses a copy of his note to the Secretary of Foreign Affairs (Joseph R. Revenga) following announcement of ratification of the commercial treaty between Colombia and Great Britain; reports an interview with Revenga, who assured him that United States vessels trading with the territories of Colombia will be on an equal footing with those of Great Britain. Notes that England, alarmed at United States influence in Colombia, will send Sir Alexander Cockburn as Minister Plenipotentiary to Bogotá; that the Colombian Congress is considering the question of religious toleration and, since no candidate won a majority in the last election, is preparing to choose the Vice President of the Republic; that “president [Simón] Bolívar will visit the Congress at Panama”; and that (Richard C.) Anderson has not yet arrived. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received March 11. Endorsed by Clay: “To be submitted to the President.” Extract published in American State Papers, Foreign Relations, V, 912.

In the enclosure, Watts reminded Revenga of the most-favored-nation clause in the commercial treaty between Colombia and the United States.

Cockburn, the fourth son of a noble family but not himself titled, had been British Minister to Württemberg since 1820. His transfer to Colombia had been announced on December 24, 1825, but he did not arrive there until early in 1827.

MISCELLANEOUS LETTERS

January 17, 1826


To Morton A. Waring, Charleston (South Carolina) . Informs him that his commission, as United States marshal for the District of South Carolina, has been forwarded to Thomas Lee for delivery when bond has been given and all necessary forms completed. Copy. Ibid., p. 249. A copy of the letter of transmittal to Lee, of the same date, is located in ibid., p. 248. Waring’s acceptance is dated February 6, 1826. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Lee, born in Charleston and, in 1790,
admitted to the bar, had served as a judge of local courts, State solicitor, and cashier, later, clerk of the State House of Representatives, before his appointment in 1823 as Federal district judge. He held this last position until his death in 1839.

To Charles R. Vaughan

Rt. Hon. C. R. Vaughan, Envoy Extraordinary and Minister Plenipotentiary from Great Britain.


In consequence of the letter which you did the honor to address to me on the 15th. November last, I instituted a correspondence with the Governors of the States of Massachusetts and Maine,¹ to ascertain on what foundation the representations of Sir Howard Douglass rested. I have received letters from them both but I consider it necessary only to transmit to you a copy of that from the Governor of Massachusetts under date the 6th. day of December, 1825, a copy of mine of the 15th. of the same month, which is the same in substance as one I addressed at the same time to the Governor of Maine,² and a copy of a letter from the Governor of Massachusetts of the 22d. day of December.

It appears that the measures adopted by those two states, to which Sir Howard refers, were altogether precautionary, and occasioned by previous acts of asserted authority over the disputed territory, which, if unopposed by countervailing acts, might have been relied on, at some future day, as strengthening the British and weakening the American claim. The cause having been withdrawn, its consequence will no longer exist. And you will accordingly observe that I have, by the directions of the President, inculcated a spirit of forbearance and moderation on our side, which we hope will be hereafter practised on yours. Both Governments should derive, from the existence of those mutual complaints, a new motive for guarding in future against their recurrence which can be effectually done only by a settlement of the question of boundary out of which they arise.

I pray you to accept assurances of my distinguished consideration.

H. Clay.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 249-50 (M38, R3). ALI draft, in CSmH.

¹ Levi Lincoln; Albion K. Parris.

² Cf. above, Clay to Lincoln, December 15, 1825.
November 5, 1825, stating the King's (Ferdinand VII's) adherence to principle, determination to continue intimate relations with his allies, and refusal to believe that his allies could consider relaxing their friendship "from respect to particular individuals to whose future that of a Monarchy certainly is not and can never be bound, nor the fundamental laws and principles of its government." ALS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. 8 (M59, R11). Cf. above, Everett to Clay, October 26, 1825; Brown to Clay, October 30, 1825.

INSTRUCTIONS AND DISPATCHES

January 18, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 20. Reports having informed the Duke del Infantado of the decision of the United States "to send Ministers to the meeting at Panama"; notes that the Duke, who considers the proposed Congress "a vague and idle scheme, . . . not likely ever to be put in execution," seemed surprised "but expressed no displeasure"; states that a warship, fitting out at Cádiz, "has lately been ordered to sail as soon as possible for the Havana"; encloses a translation of a newspaper account of the first meeting of the Council of State; comments on the difficulty experienced by the Spanish Government in trying to obtain a loan; reports no progress in negotiations concerning indemnities and other matters. LS (with postscript in Everett's hand). DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Received March 25.

From JOHN W. PARKER, Amsterdam. Reports that the judgment of the court against George Lee is: "One Months Imprisonment,—a fine of f7.75—Damages £174, and the Costs." LS. DNA, RG59, Cons. Disp., Amsterdam, vol. 2 (M-T182, R-T2). Received (April) 15. See above, Parker to Clay, July 7, 1825.

From JOEL R. POINSETT, Mexico, no. 34. Reports that the Mexican Chargé at Bogotá has sent to his government "an official communication" from Colombia revealing "that the Emperor of Brasil had been invited to send Plenipotentiaries to the Congress of Panamà, and H. M. the King of Great Britain to send an agent there"; notes that "This communication has given great umbrage," arising especially from Colombia's presumption in taking this step without consultation with the other governments concerned; states that "It may be important" for the representatives of the United States to know of Mexican apprehension concerning Colombia's ambition and jealousy of Colombia's progress. Adds that "the question of the road from our frontier to Santa Fé" (see above, Clay to Poinsett, March 26, 1825) has been submitted to the Mexican Congress, whose "deliberations . . . are almost interminable." LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Partially in code, decoded in State Department file. Received February 26. Extract published in American State Papers, Foreign Relations, V, 920.

MISCELLANEOUS LETTERS

January 18, 1826

To PAUL BENTALOU, Baltimore. Informs him that his commission as United States marshal for the District of Maryland has been forwarded to (Elias) Glenn, judge of that district, for delivery when Bentalou shall have given bond and complied with the required forms. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 252-53 (M40, R19). A copy of the letter of transmittal to Glenn, of same date, is located in ibid., p. 252; the letter of acceptance, Bentalou to Clay, was
dated January 20, 1826. ALS, in DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

Bentalou, who had been named deputy quartermaster general for Maryland in 1813 and quartermaster general for that State in 1814, had held office as Federal marshal for that district continuously since 1817. Glenn, of Cecil County, Maryland, had served as Federal attorney for Maryland from 1812 until January, 1825, when he had been named judge of the United States District Court of Maryland.

To Harrison G. Otis, Boston. Acknowledges receipt of his letter of January 10; states "that the subject to which it relates" is a topic of negotiations, soon to be resumed, with the Danish Government. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 251 (M40, R19).

Applications, Recommendations

January 18, 1826

O[ liver] B. Hayes, Thomas Washington, and Alfred Balch, Nashville, transmit an enclosed recommendation. Explain that they anticipate amendment of "the present Judiciary System of the U. States" (see above, Hammond to Clay, January 4, 1826) and express "the most decided confidence" in the President and his advisers. ALS by Hayes, signed also by Washington and Balch. DNA, RG59, A. and R. (MR1). The enclosure, dated January 16, 1826, is a report of a meeting of members of the Nashville bar, at which they endorsed William L. Brown, George W. Campbell, and Henry Crabb for a (Federal) circuit judgeship, should such a position be created. Twenty-one signers support the statement.

Hayes, born and educated in Massachusetts, had come to Nashville and had been admitted to the bar in 1808. At middle age he retired from legal practice and became a Presbyterian minister. Washington and Balch were prominent Nashville lawyers. Brown, also of Nashville, had moved in 1805, as a youth of sixteen, from Tennessee to the Hickman Mills, about fifteen miles southeast of Lexington, the mills then being acquired by his father, Morgan Brown, from Montgomery Bell. Young Brown had attended Transylvania University briefly, had studied law in Lexington, and had returned to Tennessee in 1812. After service in the war, he had practiced law in Clarksville, had been elected to the State Senate in 1819, had been a member of the commission appointed in 1820 to settle the Kentucky-Tennessee boundary, had settled in Nashville at the expiration of his senate term, and had sat on the State Supreme Court, 1822-1823. He received no Federal appointment.

From John Clarke

January 19th 1825 [i.e., 1826]

Indian [sic] Wheeling Bridge post post [sic] office

The Honourable Henry Clay Esquire

secretary of State— Respected Sir/ in making this communication [sic] to you perhaps I may not be in order as your department may not Have any thing to do with the case, tho, thru you I wish to get the opinion of the president and instruction what course I aught [sic] to persue to have justic [sic] done me, I live in the State of ohio on the main leading Road from Wheeling to St Clairsville
two miles and one quarter west of the Ohio river a road you some
times travele.\[^\text{sic}\].

[In the next two and one-half pages Clarke explains that the
original survey for the National Road located it across his land,
to which location he had, and has still, no objection; but when
the superintendent in charge of construction, Caspar W. Wever,
began operations, he shifted the location and diverted the mill
creek, destroying Clarke's sawmill and his best farm tract. When
he requested damages, he was informed that the Superintendent
reported the mill old and of little value. Clarke himself estimates
its production worth about $300 a year; he would settle his loss
for the mill and the past damage to his land at $1,000.]

The object of this communication to you is that I have confidence
in you as may be seen by my vote last fall year, and I have full confidence in the individual that fills the important office of
president of these united states therefore I shall be satisfied he will
direct that I shall have full compensation for the damage done by the
Extra use made of my land and the injury done to my Water Works, tho the superintendent says it is nothing but an old sawmill.\[^\text{sic}\]. . . . [Clarke thereupon reiterates his willingness to settle for
$1,000 or two sections of any wild lands of those States where the
Government owns land, "at my Choice. . . ." This he will receive
for the damage already done; but he anticipates further damage by
flooding from the canal, which the contractor is digging, and he fears
the whole tract may be rendered unhealthful by standing water.

[For several pages Clarke criticizes the capability of the Superint­
tendent, the organization of his office, and the general route of the
road under his planning.]

Mr Wever in his report undertakes to inform the department
for internal Improvement that I am getting great advantage by the
national road being made through my land that is I get a good road
to go to mill & market &c this is a foolish statement I have or
had as good a road as he can make before he medled with our State
road I have always been favourable to Internal Improvement, but,
so to. any benefit I shall Ever receive from a Turnpike road runing
through my land it will onely be in Idea, for, it never will realise to
me one cent, nor to any person on the road Except those who keep
public House, the travler will be benefitted but no individual
living on the road will be benefitted, all the old, tavern-keepers
on the turnpike from Wheeling to Brownsville say that they now
only receive one dollar to fifteen they received before the turnpike was made and I befor the turnpike was Located through my
land valued it at $8000. I now will be glad to get seven thousand
&c. . . . I conceive I have been badly treated in this case and appeal
through you to the president for redress, had Bridges been built
January 19, 1826

across [sic] the Creek at this place tho it would a been bad polacie I shoud been [sic] content and said nothing, If my aplication [sic] is not attended to I shall put my Headgates in the canal and stop the watter and make use of the canal for a mil race I have given to the united States the road, that is Eightey feet in Breadth, thru the Extent of my land near Half a mile and privelage to take Stone and Clay from any part of my Land to make the road, but I Have not granted privelage to make use of any other part of my land, I therefore unless something is spedely done I shall take posession [sic] of the canal as it is and stop any further damage and commence my action of trespas [sic] against the contractors, I am willing to give as much towards the road as any man in my circumstances I trust sir as I have stated before I Have ful confidance in you and Expect nothing but justice,

[Describes his services in the Revolutionary War, for which he "never recd. a farthing . . . Except some plunder . . . from the traders going to the British while they lay in Philadelphia. . . ."] my father was so frindley to the cause he never would have any pay for my services and the service of an older Brother who was oncomonly [sic] active with a gun and was very useful, I mention this to you to shew that I am entitled to justice from the goverment [sic]. I Hope you will Excuse me for troubling you but I do believe that unless I get justice in this way I shall not get it at all, I write Bad and spel [sic] bad I am afraid you cannot read this long Epistle, I refer you to, colonel Shepherd1 Messers Ruggles Wright and Beacher2 members of Congress &c. Your aceptance [sic] of this will gratify your frind, Respectfully yours JOHN CLARKE

ALS. DNA, RG77, Letters Received, 1826-1837, C-23. Postmarked: "Bridgeport Ohio March 4"; endorsed "... Referred to the Sec: of War." Clarke not further identified.

1 Moses Shepherd, whose home, "Shepherd Hall," at Elm Grove, five miles east of Wheeling, on the National Road, was a favorite stopping point for Clay en route to Washington. Shepherd had reportedly made a fortune as contractor for the road.
2 Benjamin Ruggles; John C. Wright; Philemon Beecher.

From Thomas B. Robertson

My dear Sir Magnolia near Baton Rouge 19 Jany. 1826

I received a week or ten days ago at New Orleans, your official communication of the 7th ulto with its inclosures, and by the last mail here at my country residence, your esteemed favour of the 12th—Mr Brent2 has also written to me lately. However grateful I feel for the motives which have induced you to offer me the mission to Cuba, and however unexceptionable the salary & situation—I cannot prevail on myself to accept it. I do not like the secret nature of the employment—and although it would afford me pleasure to
serve the govt., and at the same time to take a step by which my health might be improved and my life prolonged—yet there are sacrifices which I can not make to either of these considerations.

You know my course and character—I may be mistaken in the estimation in which they are generally held—From the standing of many of those who, for a series of years have been distinguished by the honorable notice of the govt, it is probable I am. Yet you yourself have said (in presence of a mutual friend) to Mr Monroe,\textsuperscript{3} (who by the by [sic], never forgave me for the early introduction of the question of South American Independence)\textsuperscript{4} that no man was better intitled than myself to an embassy to one of the Spanish American Govts. An honorable office, in some healthy climate, would be very agreeable to me—but I cannot, tho' sinking under a long and protracted disease, and standing probably on the verge of existence, consent to place myself in a situation of doubtful respectability, of decided inferiority, one in fact which you almost pronounce unworthy of me, which of yourself you would not have offered me, and which I dare believe you are not very anxious I should accept.

England and France have avowed and public agents at Havana—nor do I think a secret appointment necessary to enable an individual on the spot, to obtain and transmit such intelligence, as the interests of his Govt might require, the day has passed away when even a Spanish despotism can close the prying Eye, or still the tell tale tongue.

I run no risque in thus openly laying my views & sentiments before you—yet I should not have done so, but for the introduction of the subject by yourself, and for the interest you have always taken in my success & happiness.

Be pleased to make known to the President, in the most respectful manner, my non acceptance of the commission which he has been pleased to offer me; and believe me with much sincerity & respect

Dear Sir Your friend & ob St  
Th B Robertson

Honble H Clay

\textsuperscript{1} Not found.  \textsuperscript{2} Daniel Brent.  \textsuperscript{3} James Monroe.  \textsuperscript{4} Cf. above, III, 249. On December 5, 1817, Robertson had joined Clay in his campaign for United States encouragement of the Latin American independence movement (see above, II, 402-405 et passim), with a call upon the President "to lay before the House of Representatives such information as he . . . [thought] proper to communicate relative to the independence and political condition of the provinces of Spanish America." \textit{Annals of Cong.}, 15 Cong, 1 Sess., XXXI, 406.
Copy. DNA, RG59, Dip. Instr., vol. 11, p. 4 (M77, R6). L draft, in Daniel Brent’s hand, in DLC-HC (DNA, M212, R7).

To NATHAN LEVY, “Commercial Agent U. S. St. Thomas.” Refers to the letter received from Stephen Twycross (December 14, 1825), “complaining of the Vice Commercial Agent of the United States, at the Island of St. Thomas [Stephen Cabot], for the exaction of” illegal charges; notes that the name of this vice agent is not known to the State Department; instructs Levy, if the complaint is well founded, “to put a stop to the irregular practice of the Vice Agent” and require him to refund sums received over the charges to which he was “strictly entitled.” Copy. DNA, RG59, Cons. Instr., vol. 2, p. 380 (M78, R2).

MISCELLANEOUS LETTERS

January 19, 1826

From JOHN HOLLINS, Baltimore. Refers to Clay’s “letter of 19th. October last” and surmises that Clay has “nothing satisfactory to communicate” in regard to the claim. ALS. DNA, RG76, Misc. Claims, France.

APPLICATIONS, RECOMMENDATIONS

January 19, 1826

GEORGE R. FOSTER and others, “St. Salvador” (Brazil), citizens of the United States and “Resident Merchants, Supercargoes, and Masters of Vessels in this Port,” recommend that Woodbridge Odlin retain the office of United States consul there. LS. DNA, RG59, A. and R. (MR3). Signed by 20 persons. Odlin, a native of Pennsylvania, retained the position of consul at Bahia de San Salvador from 1820 to 1840.

INSTRUCTIONS AND DISPATCHES

January 20, 1826

From RUFUS KING, London, no. 18. Reports that, upon being asked by (Henry U.) Addington to state the sum he “was authorized to accept by way of Compromise, to put an end to the Mixed Commission at Washington” (see above, King to Clay, January 12, 1826), he “named the Sum of two Millions of dollars,” whereupon Addington stated that he would immediately communicate this information to (George) Canning. Notes “that the Duke of Wellington is going as Envoy Extraordinary to St. Petersburgh on the occasion of Nicholas having succeeded to the Empire.” LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28).

MISCELLANEOUS LETTERS

January 20, 1826


From S[AMUEL] L. S[OUTHARD], Navy Department. Acknowledges receipt of “the letter of Mr. Blair, on behalf of Mr. Miles, referred by” Clay to the Navy Department. Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 160. The letter from Blair (probably Francis P., possibly on behalf of Charles Miles) has not been found.
From Thomas Tyson, Baltimore. Presents the basis for a claim against Great Britain, resulting from the detention of the schooner *Fidelity* in the port of Sierra Leone, in 1825. Requests “the interference of our Government” or advice on “the proper way of presenting” the claim. LS. DNA, RG76, Misc. Claims, Great Britain. Tyson was owner of the schooner, which had been detained for smuggling but soon released. The claim for damages was disallowed by commissioners under a convention of 1853. *Sen. Docs.*, 35 Cong., 2 Sess., no. 18.

**APPLICATIONS, RECOMMENDATIONS** January 20, 1826

H. G. Van Badlen and Company and others, merchants, ship captains, and American residents in Puerto Cabello, endorse the work of Franklin Litchfield as consul there. ADS by Van Badlen and Company, signed also by 20 others. DNA, RG59, Cons. Disp., Puerto Cabello (M-T229, R1). Enclosed in Litchfield to Clay, August 12, 1826. Van Badlen and Company not further identified.

**INSTRUCTIONS AND DISPATCHES** January 21, 1826

From John W. Parker, Amsterdam, “duplicate.” Reports that he has been urged to renew his “complaints to this government in behalf of George Lee”; refers to his dispatch of July 7, 1825, to which he has received no reply; and states that he thinks it best not to take any farther steps without authority from Clay. LS. DNA, RG59, Cons. Disp., Amsterdam, vol. 2 (M-T182, R-T2).

**MISCELLANEOUS LETTERS** January 21, 1826

From George Bruce, “Wilmington Post Office Ohio.” Refers to his former note concerning a brother imprisoned at Havana (above, August 26, 1825); encloses a newspaper clipping describing the plight of the four survivors of the original group of prisoners; and appeals to Clay to intervene in the case. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on cover by Clay: “. . . Mr. [Daniel] Brent will write to him & send him a Copy of Genl. Vives’s last letter” (above, December 24, 1825). The Brent reply was dated February 3, DNA, RG59, Dom. Letters, vol. 21, p. 264 (M40, R19).

From Charles McAlester, Philadelphia. Inquires whether “any information has been Received a: the Department of State on the Subject of an error committed there” relative to the claim in the case of the *Josephine* (see above, Clay to Anderson, September 16, 1825). LS. DNA, RG76, Misc. Claims, Colombia. Endorsed by Clay on verso: “Mr. Brent will please prepare a letter to the within stating that the subject is in progress, and that information will be given when the negotiation is completed.” Brent’s letter is dated January 23, 1826. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 258 (M40, R19).

From John Miller, Pendleton, S(outh) C(arolina). States that he has disposed of the Pendleton Messenger to Dr. Frederick W. Symmes, a Young man of Education & Talents, . . . a Republican, . . . a real friend of the present Administration and . . . personally known to the Vice President [John C. Calhoun] and the Hon. John Gaillard.” Adds that “the whole account” for publishing the laws of the present Session of Congress “will belong to Mr. Symmes.” ALS. DNA, RG59, P. and D. of L. Miller had acquired the journal from the founder, his father, John Miller, Sr., at the latter’s death in 1807. Symmes
JANUARY 22, 1826

From Lafayette

My dear Sir

La Grange January 22d 1826

No Letter from You, Since Your Last Most Lamentable Loss, and You Cannot Write to a More Sympathising friend, Has Yet Reached me; But I Have Heard of You and Mrs Clay By Your Sister and Mr Brown. We Have Been Here on the Edge of a Similar affliction and I am Sure You Will feel With me at the Unexpected Recovery of my Grand daughter. poor Somerville, after a Long and painful lingering Has Breathed His Last at Auxerre, on His Way to Italy, He thought, while the phisicians Had No Hope of Him. Mr Brown Will inform You of the Measures taken to Secure His papers. He Has Expressed the affectionate wish to Be Buried at la Grange which was Received With our Best Gratitude and Respect, and after Consulting the public officers of the U. S. in Paris, Executed in the properest Manner We Could, ignorant as we Were of Somerville's Religious persuasion. it Was thought the Parish Cemetary [sic], where two of my Grand children are interred Was the proper Spot, and I am taking Measures, By an Exchange, to Annex it to the Grounds of the farm. You Easily will Guess what title I would Like to Mention in the inscription But it Cannot properly Be done Untill You find No inconvenience in it. I Have Every day Lamented an Unavoidable delay. Every Circumstance Confirms me in that opinion.

Altho' the interior politics of Russia Have Been kept in the dark, two points Seem to Be ascertained; that Nicolas is the definitive Emperor, and that a plan to obtain Constitutional Garantees [sic] Had a Great Share in the Late Commotion at Petersburg. the Holy alliance Has Received a Blow; it is Said an other disappointment awaits them from the Bad Health of Emperor Francis, whose Son, more of a fool than His father, which Amounts to Complete idiotism, is pretended to Hate Metternich the Great Counter-Revolutionary intriguier. I Believe the Bad Situation of the Greeks Has Been Exaggerated [sic], Even By well meaning persons; there is in the Revolutionary Spirit of freedom an Elasticity which is Seldom well Appreciated. on No European power they Can Confide. But posterity, and it will Begin immediately after their Success as it Would Even immediately after their fall, Cannot fail to give full Credit to Every Honest Measure taken in their Behalf. I am Very Anxious to Hear the Name, or Names of the Mission to Panama and Have with Much pleasure Heard of a Republican Success over the imperial troops of Brazils. I more and More am Confirmed in my Eagerness
to See the Monarch of Brazil’s Removed from His American throne.

Adieu, my dear friend, my Best Respects Wait on Mrs Clay and family. Most Affectionately Yours

LAFAYETTE

Will You please to forward the inclosed to our Young friends.11

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

1 The death of Susan Clay Duralde.
2 Mr. and Mrs. James Brown.
3 Clementine Lafayette—see above, Lafayette to Clay, December 10, 1825.
4 William C. Somerville.
5 Agent of the Government of the United States to Greece (see above, Clay to Somerville, September 6, 1825).
6 Cf. above, Middleton to Clay, December 18, 1825; January 7, 1826.
7 Francis I of Austria ruled until his death in 1835, when he was succeeded by his son Ferdinand I, who retained Metternich in office until both the Emperor and his chancellor were driven from power by the revolutionary upheaval of 1848.
8 See above, Clay to Lafayette, December 13, 1825.
9 See above, Raguet to Clay, December 23, 1825.
10 Peter I.
11 Enclosure not found; friends not identified.

From James Brown

Paris Jany 23. 1826

Dear Sir,

Since the date of my last1 we have received intelligence from St Petersburg to the 6th Inst. The Grand Duke Nicholas had put down all resistance on the part of the troops and it is probable that his authority has been established in every part of the Empire. It was at first believed that the revolt of some of the Regiments had been occasioned by their unwillingness to take an Oath of Allegiance to Nicholas immediately after having taken one in favor of Constantine. A proclamation of the present Emperor attributes these movements to revolutionary opinions of foreign origin and of ancient date,2 which he promises to eradicate from the sacred soil of Russia by punishing all who have entertained or propagated them with the most exemplary severity. Numerous arrests have taken place already, and amongst the accused are found many persons distinguished by birth, office, and education. The well educated and wealthy Russians, having no employment in their own country, have spent much of their time in England and France, and it not [sic] improbable that many of them may have imbibed a love for liberal institutions. To the discontents arising from a dislike to despotic government, will be added those of the army, which has long been dissatisfied [sic] with an inactive life, and has wished for hostilities against the Turks. It is not improbable that the Emperor, in order to satisfy the desires of the people and army, and to increase his popularity, may feel a disposition to prefer the policy of Catharine [sic] to that of the late Emperor,3 but in this disposition he will meet with considerable difficulties growing out of the opposition of the other Continental Courts, and the deranged condition of Russian finances. In a very little time we shall be able to decide the important
question as to the relation which this gigantic power will bear towards the other States of this Continent. The solution of this question is waited for with visible anxiety and every circumstance which relates to it is a subject of marked attention.

The latest accounts from Greece are so far favorable, that the Turks reinforced as they have been, have gained no important victories, taken no fortresses, nor obtained an act of submission on the part of any province to their authority. Missolunghi [sic] it is believed [sic] will hold out for some time, and hopes are entertained that the winter will arrest the operations against it. Some slight advantages have been gained by the Greek fleet under Miaulis, but no general engagement between the naval forces has taken place—

In my last I mentioned that I had kept the last will of Mr Somerville in order to have it proved by the subscribing witnesses before our Consul, and that I should send it by this opportunity. Mr Barnet has been absent for some days from Paris attending the funeral of Mr Somerville who was interred agreeably to his request at Lagrange. This circumstance will delay the transmission of it until the 1st. when I shall send it by the Packet Ship— The public papers of Mr Somerville are left with me and will be disposed of as you may direct. I am Dear Sir with great regard Your faithful servant

James Brown
Honb. Henry Clay Secretary of State.

ALS. DLC-HC. (DNA, M212, R2).

1 Above, January 19, 1826.
2 Cf. above, Middleton to Clay, January 7, 1826. For the proclamation, issued on January 2, see Annual Register, 1825, p. 163.
3 Catherine II, "The Great," Empress of Russia from 1762 to 1796, had engaged in war against Turkey from 1768 to 1774 and again from 1787 to 1792. Alexander, on the other hand, despite his encouragement of the Greek revolt, had held back from open rupture with the Porte.
4 See above, Moore to Clay, May 31, 1825, note; below, Brown to Clay, April 13, 1826, note.
5 Andreas Miaulis (Miaoulis), supreme commander of the Greek fleet since 1822.
6 William C. Somerville.
7 Isaac C. Barnet.
8 See above, Lafayette to Clay, January 22, 1826.

From Henry R. Warfield

My dear Sir— Frederick Town 1 23d. of Jany. 1826

Your letter of the 10th. Int. 3 I have had the very high gratification of receiving— I very truly thank you for it— when I wrote to you last 9 my spirits were deplorably depressed, I had received information of my liability for the payment of money, which would sweep from me a beautiful real and personal Estate,— It seemed to me that I was standing alone, in what is called a civilized world—but a World selfish and unfeeling; composed of animals in whom there was no faith or confidence to be placed—

It is true my dear Sir that I have experienced great anguish of
mind,—your letter has caused the sunshine of Joy to regladden
my heart—my last letter to you was not “written in the soft
obscurities of retirement, or under the shelter of Academick bowers,
but amidst inconvenience and Destruction [sic], in Sickness and in
sorrow”4—Had I have been disappointed in the opinion I have
for years Entertained of you, I can truly say I shou’d have lost all
confidence in Human Nature—when I look around me at the
untoward Events which a few revolving months have produced,
when I view the ground on which I stand, and when I look at
your letter and the friendly feelings therein Expressed, my feelings
are unutterable—Time and circumstance may afford me (as I
fondly trust they may) some opportunity of making a small return—
Those who are not conversant with the pages of ancient or modern
History, may consider the calamities which befal us as unexampled
dispensations—But the pages of Plutarch, alone will furnish us with
almost innumerable instances of the mutability of Fortune, and
how unexpected how rapid has been the descent from the highest
pinnacle of earthly grandeur—who cou’d have supposed the interval
so Short, from Bournapartes [sic] being at the head of his army for
the invasion of Russia, and his final destination to the burning
rocks of St. Helena—

Will I sink under this unexpected state of things?—no, no, my
dear Sir—It was my happy lot in the Early period of life to have
principles inculcated (by the best of Fathers and the best of men,
and by a mother whose superior accomplishments, and Excellence
of mind made her an ornament to her sex,)5 which wou’d enable
me, to stand firm amidst [sic] tempests and whirlwinds of mis­
fortune—. . . . [Asserts, in about half a page, his determination to
“rise in despite of” difficulties.] All that I want is Independence,
with Economy—not an Idle Lazy inactive life, but an Employment,
wherein the services may bear a full proportion to the reward—In
all the sincerity of feeling, I assure you sir, I wou’d endure any
privations; wou’d most cheerfully undergo any Fatigue of Body
and mind, rather than be surrounded by all the splendor of life &
Eat the bread of dependence— I speak to you sir with all Frank­
ness—You have given me proofs of friendship which no time or
circumstance can obliterate— I am self poized [sic], my firm nerves
will not shake, I have forever and anon renounced the use of ardent
spirits,—my Drink is water—sometimes to avoid singularity I
indulge in a Glass of wine but never to Exceed three glasses— I feel
both my Body and mind regenerated— I have had my Law office
opened in this place for about two weeks, and am a Boarder with
my old Friend Mrs. Kimboll [sic]6—when formerly engaged in the
practice my business was Equal to any member of the Bar, but
an almost total abstraction from Courts for nearly Eight Years, and
without any intention to return to the profession has changed the current of business into other channels— and Every professional man knows the difficulties of resuming the practice after so long an absence from the Bar— But what after all do our struggles to obtain wealth amount to— My Friend Taney after a practice of more than twenty years during which period his professional receipts cou’d not have been less than Eighty thousand Dollars— was under the necessity of borrowing fifteen hundred Dollars to Enable to [sic] change his residence from this to Baltimore— Genl. Harper, with a Lucrative practice, and five thousand Dollars yearly from the Coffers of old Mr. Carroll, owed in one Debt to Mr. Oliver forty thousand Dollars, and such is the situation of some of our most Estimable citizens in and arround [sic] this place, that with Extensive landed Estates they cannot, from the low prices of produce and the difficulty of raising money meet their Engagements— nay more— An immediate payment of all they owe wou’ d leave them & their families pennyless— . . . .

[Quotes a friend’s statement on facing adversity and notes the impression it has made on his own mind.]

I received a few days past an affectionate letter from my Excellent friend Dr Kent. He is faithful and sincere and one amoung [sic] the few in whom the fullest confidence may be placed— How great the contrast between his conduct and the hollow hearted professions of others— I most truly rejoice at his Elevation to the Executive Department of our State— It has totally and compleatly deranged the insiduous [sic] Schemes of the Jackson party— It wou’d waste too much of your time or I cou’d amuse you with an account of Some of the plans of the Jacksonians as they are termed, which were compleatly discomfted by Dr. Kents Election— one of the plans was that Tyler, who was an Elector from this District in favour of Jackson, was to be made Governor— John Nelson, who has a fixed and deep rooted Hostility to the present administration was then to have the aid of his Friend Tyler, to secure his Election as the successor of General Smith in the Senate of the United States &c. &c. &c. all their calculations were prostrated by Dr. Kents Election— I was several days at my friend Kents, before the meeting of Congress, and apprised him, & Governor Sprigg of those arrangements— It was then resolved on to counteract them

As General Gaines passed through this city a few days since, I had the pleasure, at their request, of introducing a number of the most respectable Citizens— They intended the compliment principally as an Evidence of their approbation of his Conduct in the controversy with the Madcap Governor of Georgia— Both the Genl. & Mrs. Gaines seemed highly gratified by attentions of so numerous and respectable an assembly—
You know me my dear Sir so well as to be fully convinced, that confidence may be safely reposed in me— Neither your letter nor the slightest intimation of its contents Shall be known to any one— Nor my dear Sir do I wish your friendly Views and intentions with regard to myself to be known to more than it is indispensible [sic] to Communicate with— Men are not in those [sic] times to be trusted—

Since I opened my office here, I have been Engaged as Counsel in several causes, which will be tried at the Ensuing Court— It meets on the first monday in next month, and will continue two or three weeks in Session— Let me hear from you before there is any final decision in regard to any appointment, which may be contemplated for me— If Mr. Adams shou'd think it necessary, I will obtain letters of the most friendly recommendation from any Gentleman on the Eastern or western shore of Maryland; and I am perfectly persuaded there is not a member in Either branch of the national Legislature with whom I was intimately acquainted, that it wou'd not afford real pleasure to Join in a recommendation— Few things wou'd give my good Friend Genl. Van Rennsselaer so high a Gratification— As this is intended only for your friendly Eye I have not so much attended to correct composition as under other circumstances, I might have done—

The Poet whose writings have stood the test of centuries, told us “there is a tide in the affairs of men when taken in the flood leads on to fortune”21

The Golden ball has several times been within my reach, but a perverse Wayward fate has thus far doomed me to a state of “single blessedness”— Now sir what a triumph wou’d it be over my Enemies, may almost a triumph over myself, if through your friendship I shou’d obtain an Honourable, appointment and form an alliance with wealth and beauty— I think, things of a much more Extraordinary character have occurred, at least in the ages of antiquity if not, in modern times— Let it be remembered I have sacrificed to the Graces and still retain my health & BEAUTY— Kent tells me in his letter that there are Belles in Washington (very captivating of course) who are said to be worth from one to five hundred thousand Dollars, and whom he thinks might be prevailed on to conquer their objection to the married life— But my dear Sir Jesting apart, and surely this is no time for me to Jest—of this be fully assured that whereever [sic] I may be, or in whatsoever [sic] situation I may be placed, whether I pursue the Steps of Fame or povertys more tranquil road, you will Ever find in me the faithful friend, at all times ready so to prove himself when occasion may require it— most truly yours

HENRY R. WARFIELD
INSTRUCTIONS AND DISPATCHES

January 23, 1826

From William Taylor, Veracruz. States that the Mexican Government, forced to rely on “foreigners to man their Public Vessels,” offers high wages, which induce seamen to desert American vessels to enter Mexican service; explains the difficulties faced in attempting to recover the deserters; and alludes to the “Consequent ill will on the part of the masters of Amn. vessels towards the Commanders of Mexican vessels of War, and also towards the Authorities of this place. . . .” Reports that he recently claimed, through the British vice consul, “a deserter from on board an American vessel, who had entered on board A British vessel of war”; that the man was delivered to him; but that the British official stated he would “act differently” in a subsequent case of this kind. Encloses an extract of a letter he has written to (Joel R.) Poinsett in regard to these matters. ALS. DNA, RG59, Cons. Disp., Veracruz, vol. 1 (M183, R1). Received February 26.

MISCELLANEOUS LETTERS

January 23, 1826

To James Brobson, Wilmington. Informs him that a commission appointing him United States marshal for the District of Delaware has been sent to Judge (Willard) Hall of that District. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 255 (M40, R19). A copy of the letter of transmittal, Clay to Hall, of this same date, is located ibid.; Brobson’s acknowledgment, dated February 13, ALS, is located in DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Brobson, a native of Delaware, had held the office since 1809.
APPLICATIONS, RECOMMENDATIONS January 23, 1826

WILLIAM RADCLIFF, Washington, solicits appointment as consul at Panama. ALS. DNA, RG59, A. and R. (MR1). Radcliff, a merchant of New York, was named to the desired position on March 25, 1826, and the following year transferred to the same office at Lima, where he remained until 1830.

INSTRUCTIONS AND DISPATCHES January 24, 1826

To WILLIAM SIMMONS, Jr. Encloses "the evidence of" Simmons' appointment as "Consular Commercial Agent at Porto Rico" and "a copy of the printed Circular Instructions to Consuls." Copy. DNA, RG59, Cons. Instr., vol. 2, p. 380 (M78, R2). Simmons, not further identified, acknowledged receipt of these documents on April 30. ALS. DNA, RG59, Cons. Disp., San Juan, Puerto Rico, vol. 1 (M76, R2).

From HEMAN ALLEN, Valparaiso, no. 25. Encloses an extract of his letter to Commodore (Isaac) Hull in reply to an inquiry relative to Hull's "publick conduct towards the authority of Peru"; states that justice to the commerce of the United States has been abandoned in Peru and that he has recommended "measures of a decided character." Expresses "regret and mortification" upon discovering that in corresponding with Hull he "overlooked the views of the government on two points, . . . viz;—that without any treaty stipulation to that effect, and with the exception of contraband, the principle, that free ships, make free goods, is operative between belligerent and neutral nations;—and, that the new States, in the Southern hemisphere, are still bound in that particular, by the provisions of our treaty with Spain"; explains why he had supposed the older concept of the law of nations applicable in the absence of treaty provisions to the contrary; declares that, as shown by an enclosed copy of another letter to Hull, he lost no time in correcting the error; adds that he has also corrected his remarks in "the reclamation in the case of the Brig Warriour" (cf. above, Allen to Clay, November 5, 1825). Urges the desirability of a commercial treaty with Chile if the expedition against Chiloe (see above, Allen to Clay, December 2, 1825) proves successful and if the government appears more stable. Notes that he has received no reply to his protest concerning supplies landed for the United States naval squadron (see above, Allen to Clay, September 16, 1825) but that the objectionable practice has been abandoned. States that he has received no communication from his government since his arrival. Comments on the strong English influence in Chilean affairs. ALS. DNA, RG59, Dip. Disp., Chile, vol. 1 (M-T2, R1). Received April 28. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1108.

From W[ILLIAM] TUDOR, Lima, no. 33. States that he "arrived in this City yesterday after an absence of several months & found it in the midst of rejoicings for the surrender of Callao . . ." (see below, Allen to Clay, February 23, 1826). ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received: "20 Novr. [sic]." Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1783.

MISCELLANEOUS LETTERS January 24, 1826

From L[ouis] McLANE, "Ch. of Comm. of Ways & Means." Requests, for use in considering the appropriation bill, information concerning the commission
January 25, 1826

established under articles six and seven of the Treaty of Ghent, as well as the need for the appropriation requested in this connection. ALS. DNA, RG59, Misc. Letters (M179, R64). See above, II, 162n; Delafield to Clay, September 23, 1825, note.

From Charles R. Baldwin

Hon. Henry Clay
Charleston, Kanawha Cty. [Virginia],
Sir
Jany 25 1826

[States that he is enclosing, on behalf of Mason Campbell, a prospectus of a weekly newspaper to be published at Charleston: recommends that this paper, more centrally located in western Virginia than one at either Wheeling or Clarksburg, be selected to publish the laws.]

Permit me, before I conclude, to say one word of my self. The interest you were pleased to express in my welfare when at Wheeling in May last, and your distinguishing attentions in honouring me with an invitation to accompany you on your welcomed return to Kentucky assure me that a brief notice of myself may not be unacceptable. I left Wheeling in July and returned to the more Eastern part of the State, without having it in my power to visit Lexington during your stay in the West. I spent about three months in Staunton, and having learned that this place held out fairer prospects of success to our profession than any other known in Virginia, I came here in the early part of November. The representations of Judge Summers and others in this county, have confirmed my first impressions, and from a residence of nearly three months I see no reason to regret my choice. There is probably more litigation in this county than in any three of its population in Virginia.

It would be desirable that we should be informed of the fate of this application at as early a day as may be convenient. With the most sincere wishes for the preservation of your health and usefulness, and the advancement of your happiness and prosperity personal and political, I have the honor to be Your obedient servant,

Charles R. Baldwin.

P. S. I intended to inclose a prospectus but have none at command—The paper, to be called the “Western Virginian,” will be commenced about the 1st. March, and if you think that now or at any future period, it can be employed by the department of State, a few numbers can be forwarded on to you. I will barely remark, en passant, that Mr. Campbell is of the right school of politics, and that he is and always has been a firm friend and supporter of the present administration.

C. R. Baldwin—

ALS. DNA, RG59, P. and D. of L. Baldwin, active in Charleston civic affairs, was one of the founders of the Kanawha Colonization Society, in 1832.
1 Campbell, who had published two earlier journals at Charleston, established the *Western Virginian and Kanawha County Gazette* on July 5, 1826. The journal, which he edited until May, 1829, received contracts for public printing beginning with the Second Session of the Nineteenth Congress.

2 On Clay's presence in Wheeling, see above, Toast and Remarks, May 21, 1825.

3 Lewis Summers, born at Fairfax, Virginia, had lived at Gallipolis, Ohio, from 1808 to 1815 and then had moved to Charleston, where he practiced law, operated a salt furnace, and from 1819 to 1843 served as judge of the Kanawha Circuit Court. He had served in the Virginia Assembly in 1817.

**From Benjamin Mills**

Dear Sir,  


[Solicits Clay's "friendly interposition" in behalf of Anthony Samuel, of Paris,¹ who wishes to leave the study of law and obtain an appointment as midshipman in the Navy.]

We are at this moment as to politics, somewhat in a calm. The postponement of the election of members of congress will leave this State nothing during the next season, to take up its attention but the great Court question.² The constitutional side seem sanguine. Indeed there is some danger that their confidence may lead to too great a security. I hear of some counties that the candidates are started. In this collision of parties none occupy so disagreeable a station as my brethren on the bench and myself, yet we are bound to act only the part of spectators— Your Obt. Servt  

Hon. H. Clay—

B. Mills

ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: "... Referred to the Honble the Secy of the Navy— HC."

¹ Not further identified: he received no appointment.

² See above, Kendall to Clay, December 25, 1825.

**INSTRUCTIONS AND DISPATCHES**  

January 25, 1826

To Joel R. Poinsett, no. 9. Transmits a "copy of a Letter [above, January 10] just received . . . from Mr. John W. Wyman"; instructs Poinsett to take such steps toward obtaining redress as he may think proper after examining "the papers referred to, which are returned to Mr Wyman to be forwarded . . . with this letter. . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 5 (M77, R6). L draft, in Daniel Brent's hand, in DLC-HC (DNA, M212, R7).

From Andrew Armstrong, Port au Prince. Reports a decline in trade but adds: "... it is evident that our trade, is, notwithstanding the disadvantages under which it labours, the most considerable of the Island And that although we have a really ugly and crooked race of beings to deal with, yet they afford us so important a debouché for our produce, that it is worth our while to cultivate their good graces. . . ." Advises that "a regular diplomatic agent" sent there by the United States could obtain by treaty "a recognition of the debts for Christoph's spoliations" (cf. above, Armstrong to Clay, April 8, 1825, note, June 14, July 21, 1825), "a total abolition of export duties," and stipulations "that no Haitien vessel, or citizen, should be allowed to visit our ports south
of the Potomac; and that the diplomatic agent they should send to the U. States, Should be Such in colour as not to offend the prejudices of our Country.”


MISCELLANEOUS LETTERS

January 25, 1826

From John Forsyth, “Chairman of the C. of F. R. of the H of R.” Requests, for the Committee of Foreign Relations, the correspondence with (C. D. E. J. Bangeman) Huygens on desertions from Dutch vessels. ALS. DNA, RG59, Misc. Letters (M179, R64). See above, Huygens to Clay, December 27, 1825.

From Samuel D. Ingham, “House Reps Chamber.” Requests, by direction of the committee to whom was referred the claims of Mr [James] Monroe, information from the Department of State “respecting the circumstances of Mr Monroe’s detention in England in 1805. 6. 7….” ALS. DNA, RG59, Misc. Letters (M179, R64). See above, III, 60n, 190n; below, Clay to Ingham, January 31, 1826.

From Samuel L. Southard, Navy Department. Returns the letter (not found) of Mrs. Deas; states that he “refused to comply with the request of Midshipman Deas” for a transfer from “the West India Station.” Copy. DNA, RG59, Executive Letterbook, vol. 1821-1831, p. 161. Mrs. Deas not further identified. Fitz Allen Deas, born in New York but appointed to the Navy in 1821 as a resident of South Carolina, was in 1826 assigned to the corvette John Adams, on duty in West Indian waters. He was transferred the following year to the frigate Macedonia, off the coast of Brazil, and in 1830 to the frigate Constitution, at New York. He was commissioned a lieutenant in 1830 and, after long delay, ultimately assigned to the sloop Warren, in the West Indies.

To Joel R. Poinsett

Dr Sir Washn. 26 Jan. 1826.

I have the pleasure to introduce to you, the bearer hereof, Mr. David G. Burnett, of Cincinnati in Ohio, as a gentleman of high respectability & to be entirely confided in as a man of honor and probity. Without making myself party to any purposes of private or other views which induce him to visit Mexico, I take pleasure in asking for him your kind and friendly reception.

I am Yr's truly

H. Clay

J. R. Poinsett Esq. &c &c &c

ALS. KyU.

1 Burnett, brother of Isaac G. Burnet and half-brother of Jacob Burnet, had participated in Francisco de Miranda’s expeditions to Venezuela, had engaged in mercantile business in Natchitoches, Louisiana, and had lived for a time among Indians in Texas before returning to Cincinnati to study and practice law. In 1826 he contracted with the Mexican Government to settle 300 families in Texas but, later, sold the contract and settled on the San Jacinto River. He served in 1836 as the first President (ad interim) of the new Republic of Texas, in 1838 as its Vice President, and from 1846 to 1847 as Secretary of State of the State of Texas. He died in 1870.
INSTRUCTIONS AND DISPATCHES

January 26, 1826


From Richard C. Anderson, Jr., Bogotá, no. 32. Reports his arrival in Bogotá, after a "journey of nearly eight weeks from Cartagena," and his belief, after a conversation with the Secretary of Foreign Relations (Joseph R. Revenga), that there will be no difficulty in effecting "the Mutual abolition of the alien duties," although he is unable to state "which of the two modes suggested" by Clay (above, Clay to Anderson, September 16, 1825) will be adopted. Notes that he has received no communication from Clay since leaving New York. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received March 14. Endorsed by Clay: "To be submitted to the President."

From John T. Mansfield, Pernambuco. Acknowledges receipt of Clay's letter of September 19; notes that the trade between the United States and Pernambuco "has been unusually extensive" during the past six months, owing to the demand for flour; states that, during the same period, the province "has enjoyed political tranquillity"; and adds that he has been informed by Condy Raguet of the Brazilian blockade of "all the Ports belonging to the Government of the United Province [sic] of the River Plata. . . ." LS. DNA, RG59, Cons. Disp., Pernambuco, vol. 1 (M-T344, R1).

From William H. D. C. Wright, Baltimore. States that he has been detained by business but has "taken passage in the Brig Homer Capt [James] Phillips to sail from this port for Rio de Janeiro, on the 3rd of next month. . . ." ALS. Ibid., Rio de Janeiro, vol. 2 (M-T172, R3). Cf. above, Clay to Wright, September 14, 1825. Baltimore was home port of the Homer; Captain Phillips not further identified.

MISCELLANEOUS LETTERS

January 26, 1826

To John Forsyth. Transmits, in response to Forsyth's letter of January 25, "a letter received from the Minister of the Netherlands in regard to deserters from dutch Vessels together with a translation of it" (above, Huygens to Clay, December 27, 1825); notes that, in addition, this Minister "has . . . made verbal representations of the inconveniences to which those vessels are subject in our ports from the desertion of persons composing part of the Crew and the impracticability of recovering them." Copy. DNA, RG59, Report Books, vol. 4, p. 123.

From John Hollins, Baltimore. Acknowledges Clay's letter of January 23 and requests that he instruct Isaac Cox Barnet to prosecute the claim. ALS. DNA, RG76, Misc. Claims, France. On January 23, 1826, Daniel Brent, not Clay, replying to the letter from Hollins to Clay, October 17, 1825, had returned the documents received with that letter and had stated that the Department of State would "instruct the Agent of claims [Barnet] at Paris to prosecute the Claim which they contain" if Hollins "should think it advisable to send them thither, tho' it does not appear probable . . . that any favorable result is to be anticipated." Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 256-57 (M40, R19).
January 27, 1826

Opinion on Claim of Cornelius P. Van Ness

[ca. January 27, 1826]

Mr. Bradley's argument is a very good one, addressed to Congress, but how can the Executive get over the act which fixes the amount and limits the duration of the Salary of Mr. Van Ness? If it were proper to express an opinion on that act, perhaps I should not differ widely from Mr. B.

H. C.

AEI, on wrapper of a letter from William C. Bradley to the Secretary of State, February 25, 1825. DNA, RG59, Misc. Letters (M179, R62). Bradley's letter relates to the claim of Van Ness for additional compensation as commissioner under the fifth article of the Treaty of Ghent. On January 27, 1826, Daniel Brent wrote to Bradley, "Late [1815-1820] Agent of the U. S. under the 5th. Art. of the Treaty of Ghent," as follows: "In reference to your Letter to the Late Secretary, dated the 25th. of February last year, I have the honor to subjoin a Copy of the Note, recently on that Letter made by the present Secretary, Mr. Adams, from circumstances, not having given you a reply during his administration of this Department." Copy. DNA, RG59, Dom. Letters, vol. 21 (M40, R19).

INSTRUCTIONS AND DISPATCHES

January 27, 1826

From ALEXANDER H. EVERTT, Madrid, no. 21. Notes receipt in Madrid of "news of the surrender of St Juan de Ulloa," which "seems to have made a good deal of impression upon the Govt.;" states that "It is understood that Genl Francisco Dionisio Vives sent home . . . a small supply of money . . . requesting that it might be employed in expediting the equipment of the vessels destined for his aid: and informing the Government that he must have reinforcements; refers to delay in the departure of the warships from Cádiz; reports sending to the Duke del Infantado a "note on the subject of the acknowledgement of the colonies" (see below, Everett to Clay, February 3, 1826), which, Everett hopes, "may make some impression upon him"; summarizes information gained from accounts of discussions in the Council of State relative to America; reports that, having learned "of the victory gained in October by the troops of Buenos Ayres over those of Brazil in the Banda Oriental" (see above, Forbes to Clay, October 15, 1825), he "communicated the intelligence to the Duke in a private note"; comments on news from Russia. LS (with postscript in Everett's hand). DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Received April 9. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2097-99.

From RUFUS KING, London, no. 19. Encloses copies of correspondence with the British Foreign Office; comments on the depressed state of commerce. LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received April 5. The enclosures from George Canning report receipt of information concerning the note presented by (James) Brown to the French Minister for Foreign Affairs (Baron de Damas—cf. above, Brown to Clay, January 10, 1826); comment upon the premature publication in Brazil of a commercial treaty and a treaty for the regulation and ultimate abolition of the Brazilian slave trade, which were negotiated by Sir Charles Stuart "without specific instructions" and which "will not be ratified by His Majesty [George IV] in their present form—or without important alterations" (see above, Raguet to Clay, October 26, 1825, note); and reject King's proposal "to accept two Millions of dollars by way of compromise in satisfaction of the claims of the United States upon Great
Britain” under the St. Petersburg Convention (see above, King to Clay, January 20, 1826). Two letters by King to Canning, dated January 22 and 26, defend the proposed estimate of indemnity, the latter urging, finally, that if compromise be not acceptable, instructions be given to the British commissioner for “reference of Every Question of Disagreement which shall present itself for Decision.”

**MISCELLANEOUS LETTERS**

*January 27, 1826*

From John Forsyth. Returns “the letter of Mr. [C. D. E. J. Bangeman] Huygens & the translation of it” (see above, Huygens to Clay, December 27, 1825); requests “a copy of the translation as the Comee. of For. Rel. desire to present it to the house [sic] of Rep.s [sic] with the bill they may determine to report.” AN. DNA, RG59, Misc. Letters (M179, R64).

**APPLICATIONS, RECOMMENDATIONS**

*January 27, 1826*

Franklin Litchfield, Puerto Cabello, announces the death of Robert K. Lowry, United States consul at La Guaira, and asks to be transferred to that consulate. ALS. DNA, RG59, A. and R. (MR3). On the proposed transfer, cf. above, Whittlesey to Clay, January 10, 1826, note; below, Clay to Williamson, April 20, 1826. Lowry, a resident of Baltimore, Maryland, had first been appointed to La Guaira in January, 1812, and renamed to the post in March, 1823, after the United States recognition of Colombian independence.

A[sher] Robbins recommends Dr. Usher Parsons, of Providence, Rhode Island, for appointment as consul at Alexandria, Egypt, should a consulate be established there. States that Parsons, now practicing his profession and lecturing at Providence, was for ten years in the Navy, participated in three engagements in the War of 1812, and was commended by (Oliver H.) Perry. ALS. DNA, RG59, A. and R. (MR3). Parsons, a native of Maine, had had little formal education but had been awarded a silver medal for his surgical skill and devotion to duty during the War of 1812. In 1818 he had been awarded the M. D. degree by Harvard Medical College; in 1820 he had become professor of anatomy and surgery at Dartmouth College; and two years later he had been appointed to the same position at Brown University. He did not receive the recommended consular office. In 1831 he was named professor of obstetrics at the Jefferson Medical College, Philadelphia, and continued to practice and publish voluminously upon medical topics. He was one of the founders of the American Medical Association in 1847.

**From Felix Grundy**

Dear Sir, (confidential) Nashville, January 28th 1826— I have just returned to this place from Kentucky, and I am sorry to see the wretched condition of things in that State, but it cannot continue long— The friends of the Constitution will prevail— If they exercise that degree of prudence & discretion which is indispensable on all great occasions— When in that State I met with some Gentlemen who suggested, that it was probable, should the Judiciary
Bill then before Congress, pass,\(^2\) that, a Kentuckian would be appointed for this Circuit and Judge White\(^3\) of Tennessee would be Judge Todd’s\(^4\) successor when a vacancy occurred— This would wound our State pride, and on that ground give rise to some dissatisfaction— No exception could be taken to Trimble\(^5\) who is spoken of, individually; his residence out of the Circuit would be the only objection; of its weight & influence you can Judge— Suppose, however, the selection to be made from the Tennessee Bar— I find a portion of the Bar of this place, have named three Gentlemen— my opinion is, that either of them would discharge the duties very well, you know Mr Campbell, Mr Brown is an excellent Lawyer, so is Mr Crabb\(^6\)—and I could name several others, who are eminent in their profession and well deserving public confidence— The truth is, there is no difficulty in procuring men who will perform the Circuit duties well The deficiency will be found, when sitting on the Supreme Bench— You, personally and from character know all the Gentlemen of the Law in this part of the Country consult your own Judgment, and select that Individual, who in your opinion, will best discharge the public duties & be most acceptable to the Community— I have spoken to you as tho you had the power of appointment, I only mean, the duty of recommending— The peculiar delicacy of my situation requires me, to write to you in perfect confidence— The people of this District seem to have turned their eyes towards me as their next representative in Congress I am inclined that way myself—and therefore I am constrained to act with great caution— I am aware that my suggestions may be of no use to you— I am certain they can do, no harm— Could, Judge White be appointed now, to this Circuit, the appointment would be acceptable, this however, the Constitution forbids— I have communicated the contents of this letter to no person, nor do I wish it named by you; among my friends, aspirants to office, I wish not to interfere or give offence— Yrs respectfully FELIX GRUNDY

\(^1\) Cf. above, Kendall to Clay, December 25, 1825.
\(^2\) See above, Hammond to Clay, January 4, 1826, note.
\(^3\) Hugh L. White.
\(^4\) Thomas Todd.
\(^5\) Robert Trimble.
\(^6\) George W. Campbell; William L. Brown; Henry Crabb. See above, Hayes and others to Clay, January 18, 1826, note.
\(^7\) See above, Carroll to Clay, November 25, 1825, note.
\(^8\) See Art. I, Sec. 6, par. 2 of the Constitution of the United States.

INSTRUCTIONS AND DISPATCHES January 28, 1826

From Joel R. Poinsett, Mexico (City). Acknowledges receipt of Clay’s letter of November 8 (1825), by (Stephen M.) Staples; states that he will be pleased “to promote this gentleman’s views.” Reports that the Mexican Senate, in secret session, today approved a proposal for a joint expedition against Cuba and,
"If the house concurs the Plenipotentiaries to Panama will be instructed to concert means with those of Colombia for the joint expedition." LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Signed copy, in PHi. Received March 14. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1650-51.

From George W. Slagum, Buenos Aires. Notes that Buenos Aires is "blockaded by a Brazillian [sic] fleet of 13 Sail"; declares that the need for "a Naval force from the United States becomes every day more urgent from the little respect paid to the American flag by the commander of the Brazillian Squadron"; cites the seizure, and subsequent release, of the schooner Grace Ann. Reports a difference of opinion between himself and (John M.) Forbes, in regard to their "relative functions," and solicits instructions in this connection. LS. DNA, RG59, Cons. Disp., Buenos Aires, vol. 2 (M70, R3). Received April 11. On the case of the Grace Ann, of Baltimore, see below, Raguet to Clay, March 20, 1826, note.

APPLICATIONS, RECOMMENDATIONS January 28, 1826

William Davidson, Charlotte, North Carolina, recommends that the Catawba Journal, recently established at Charlotte, be designated in place of the Salisbury Western Carolinian to publish the laws; points out that "The Editor [of the Catawba Journal] is a decided friend of yours and of the Administration, which is not the Case with the other paper. . . ." ALS. DNA, RG59, P. and D. of L. Davidson, a planter, member of the United States House of Representatives from 1818 to 1821, had moved from South to North Carolina in his early youth, had been several times a member of the State Senate and again sat in that body from 1827 to 1830.

The Charlotte Catawba Journal had been established in the fall of 1824 by Lemuel Bingham, who had been previously associated with papers in Salisbury and Fayetteville, North Carolina. He was an Adams supporter and in 1828 moved the Yadkin and Catawba Journal to Salisbury to better aid the administration, but he did not obtain the recommended appointment. After supporting Clay in the campaign of 1832, Bingham retired and shortly thereafter sold his interest in the journal. McFarland, "North Carolina Newspapers . . .," North Carolina Historical Review, XXX (1953), 381, 408.

The Salisbury Western Carolinian, edited by Philo White, retained the printing contract throughout the Adams administration. White, a native of Water-town, New York, who had settled in Salisbury in 1820, was a Calhoun supporter and had transferred his endorsement to Jackson after the Carolinian's withdrawal from the campaign of 1824. White retained editorship of the Western Carolinian until 1830, when Jackson named him navy agent for the Pacific Station. In 1834 White established another organ at Raleigh, and around 1844 he removed to Racine, Wisconsin Territory, where he again became active in journalism and in politics. He was appointed United States consul at Hamburg in 1849 and Chargé, elevated to Minister, to Ecuador from 1853 to 1858.

On February 7, Daniel Brent, at the direction of Clay, "a little indisposed at this time," replied to Davidson that the selection of newspapers for promulgation of the laws had been made before Clay had knowledge of the establishment of the Catawba Journal and, since his authority permitted naming of only three papers in each State, he was "unavoidably prevented from a compliance with" Davidson's wish. DNA, RG59, Dom. Letters, vol. 21, p. 267 (M40, R19).
January 29, 1826

FRANKLIN LITCHFIELD, Puerto Cabello, referring to his letter of the preceding day, states that, in the event of his "not being transferred," he recommends his "particular friend Samuel Douglass Forsyth Esq. of the City of Caracas for that appointment." ALS. DNA, RG59, A. and R. (MR3). On the appointment, cf. below, Clay to Williamson, April 20, 1826. On Forsyth, see below, Forsyth to Clay, January 30, 1826.

INSTRUCTIONS AND DISPATCHES January 29, 1826

From JAMES BROWN, Paris, no. 44. Reports that Lord Granville, upon learning of Brown's interview with the Baron de Damas, discussed in dispatch no. 42 (above, Brown to Clay, January 10, 1826), stated "that he would address a note to the same effect to the Baron de Damas"; notes that Granville told him, "as he had already done, on a former occasion, that he had last summer" informed France "that Great Britain could not with indifference see the islands of Cuba and Porto Rico pass into the hands of France, and that he had reason to believe that France had no intention to take possession of them." Brown thinks it improbable that France will make any attempt to acquire these islands "when the consequences would be a rupture with the Governments of Great Britain and the United States." ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received March 25.

From JOHN M. FORBES, Buenos Aires, "Private & Confidential." Denounces (George W.) Slacum; adds: "I believe that Mr S. has asked instructions definitive of his functions; this I had previously solicited and thus I hope, we may both be gratified." ALS. Ibid., Argentina, vol. 2 (M69, R3). Published in Espil (comp.), Once Años en Buenos Aires, 411-12.

MISCELLANEOUS LETTERS January 29, 1826

From LANGDON CHEVES, "Office of the Board of Comrs. under the St. Petersburgh Convention." Encloses "Extracts from the Journals of the Board" relative to "the case of Thomas Ellis, of Georgia, a claimant for one Slave"; states that he would "not have troubled" Clay "with this communication but for the collateral discussions which occurred therein"; points out the two objects that he believes motivated the statement on January 20 by the British Commissioner (George Jackson): first, to repeat "an insinuation . . . that the Act of the American Comr., in refusing to Separate the questions of Principal and Interest, was injurious to the Claimants; and, the other to establish an impression that the delay of the Board was caused by the Want of diligence in the Claimants." Adds that the Board adjourned until February 13. ALS. DNA, RG76, G. B. 9—folder 8. Cf. above, Cheves to Clay, April 26, 1825 (1).

From JOHN HOLMES, Washington. Encloses "the complaint of George Moody for injury done by the British to his fishing vessel"; wishes to know whether anything has been done, or can be done, in the case. ALS. DNA, RG59, Misc. Letters (M179, R64). Moody, a resident of York, Maine, was owner of the schooner Charles, seized by a British naval vessel at Shelburne, Nova Scotia, in May, 1823. On June 25, 1823, Adams had written a note to Stratford Canning regarding the complaint; but the vessel had been libelled and condemned in the vice-admiralty court at St. John, New Brunswick, the following July 17. She was charged with violation of the convention of October 20, 1818, between the United States and Great Britain, in "hovering upon the coast" and putting
into the harbor, “the weather being fine and moderate at that time, as well as on the day of seizure.” House Docs., 32 Cong., 1 Sess., no. 120, pp. 4-12.

From John H. Morel, Savannah. Mentions receipt of a letter from “Mr Barrien [sic]” (John McPherson Berrien) informing him of his reappointment as “Marshal of this District”; expresses gratitude for this mark of the President’s confidence. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Morel, a native of Georgia, had first been appointed to the office in 1818.

From Joseph S. Benham

The Hon. H Clay, Secretary of State, Cincinnati Jany 30. 1826.

Sir,

I have been informed that Geo W Jones the Agent of the Bank of the U S has prefered [sic] a complaint against me in relation to my conduct as Dist Attorney in the collection of the debt due from Jesse Hunt late Dist pay master to the Govt.— Without knowing specifically the charge which he has exhibited, I have thought proper to lay before you the following statement of facts— Several years ago Mr. Wright my predecessor, recovered two judgments in favour of the Govt. against Mr. Hunt for upwards of Twenty thousand dollars, which I was proceeding to collect— I had issued an execution which had been levied upon nearly all Mr. H’s real estate, when I received the enclosed letter from Mr. Pleasonton directing me to suspend from the date there of all further proceedings against Mr. H. until the first of Jany then next ensuing—believing the debt perfectly secure, I was disposed to do so— But before the time I was authorised to suspend proceedings expired, Mr. Hunt called upon me to proceed with the sale of his property, provided I would agree to stop the sale when he should direct— Mr. Hunt gave as a reason for desiring this, that the Bank of the U States had a [...] judgment against him for a large sum, and that he thought their Agent would buy the property or a part of it, and enable him to pay off the debt he owed the Govt. I told Mr. Hunt I felt myself authorised by the letter of Mr. Pleasonton to comply with his request— I accordingly directed the Marshal to advertise the property for sale which he did—and on the day of sale as Mr. Hunt had anticipated, Mr. Jones attended and purchased most of the property that was sold—

Several tracts of land were offered, and at Mr. Hunts request the sale of them suspended— And after property had been sold to the amount of $8000 and upwards, I directed the Marshall [sic] to suspend the sale— Mr. Jones seemed surprised that I should suspend the sale at Mr. Hunt’s request, and we had some altercation on the subject— I did not choose to explain to him why I so acted—
But, as the time had not expired which Mr. Pleasanton allowed, for suspending the proceedings, I considered myself authorised to do so whenever Mr. Hunt requested it— In doing so I could not perceive that either the interest of the Govt. or the Bank of the U States could be affected— By this proceeding I made the sum above stated before the time allowed Mr. Hunt for payment had elapsed— In this I conceive I did no more than my duty—I acted with a single view to promote and protect the interest of the Govt.— I know not what inferences Mr. Jones may have drawn from my conduct upon this occasion unfavourable to my motives— I know my conduct was correct & my motives pure— And I cannot but believe (unless this Gentleman were actuated by malevolence) had he have known the facts he would have saved himself the trouble of becoming an informer— He & myself have for a long time been upon unfriendly terms, otherwise I should be at a loss to find a motive for his conduct— Mr. Hammond the bearer hereof was present at the sale to whom I refer for further explanation if necessary.

I have the honor to be respectfully Sir Your Obt Servt.

Jos. S. Benham

ALS. DNA, RG59, Misc. Letters (M179, R64).
1 See above, Clay to Biddle, January 31, 1825; Biddle to Clay, May 19, 1825.
2 John C. Wright.  3 Stephen Pleasanton.  4 Word illegible.
5 Probably Charles Hammond.  6 Word partially obscured by seal.

From Francis Preston Blair

My Dear Sir  Frankfort January 30. 1826. Monday— Judge Todd, it is said by his Physician Dr. Drake cannot outlive this week— Indeed his death has been looked for with so much certainty for some weeks, that it has made others, his particular friends quite lively— Judge Trimble has been running from Town to Town with ready made recommendations in his pockets to obtain subscribers— He has been pretty successful even with the New Court party, because it was represented that the Competition only existed between himself & Boyle, & it was therefore considered as a matter of preference between these individuals rather than a choice of either— This declaration was made to me, & in my presence to others who were solicited to sign the paper— I refused to subscribe even under these circumstances because I know Boyle to be a more honest & upright man than Trimble— but many, indeed I believe all of my side of the question were actuated by this motive— I was told so by all in Frankfort & Barry says the same artifice was used by Trimble in George Town. Certainly this is a circuitous way for a Judge to get a Circuit—& it is rather a poor way for a man who has
been so long in the public eye to get a character—by travelling about & begging it in personal intercession: and where he could not get it on his own merits ask it on the score of the political prejudices existing against another.

This importunity will I have no doubt be exerted with the president— But I am sure it is alike the interest & inclination of the administration to appoint to the station, a man whose public & private worth has endeared him to all men of all sides in Kentucky & who can bring to the Office the greatest abilities united to every excellency of the heart— I take Mr Crittenden⁶ to be the individual of all others in Kentucky the best calculated to give universal satisfaction— His modesty I am aware, has prevented him from putting forward his pretensions— Besides he fears that an application on his part might be interpreted as a sort of claim upon your good will, for the zeal he has always manifested in your favor—and I am sure nothing would mortify him more than to embarrass your views [sic] by ever evincing his wishes, for I know he would greatly prefer that the administration should have its objects attained, than to obtain the highest hopes for himself— Yet I am persuaded that if it suits with the inclinations of the president, the appointment would be exceedingly gratifying to him— You know his worth—how highly & justly he is valued by the public. You know the unbounded confidence & love which still continue to follow him amidst the bitterest party strife— His great popularity, his great superiority in talents & virtue ought I think to make him the choice of the Government as he is undoubtedly of the people— If there is when this reaches you any thing unsettled in the disposal of the appointment & you should feel the preference I do, I trust you will give me a hint of it— I will get a vote for him in Kentucky—or rather a demonstration that will shew how greatly he would be preferred to Boyle & Trimble by the State— Boyle & Trimble have their places; let them hold them if they can— The first I know is a little uneasy, but if you advance him what becomes of your old court of appeals?— He is the mainstay there— Yet although I think his removal might better my prospects, I had rather see Crittenden settled admirably for life than better my bad prospects a little— Might not some of my new court brethren have had this latter circumstance as a private reason for their signatures— present me respectfully to Mrs Clay & beleive [sic] me Yo friend sincerely

F. P. BLAIR
Honble H. Clay

ALS. DLC-HC (DNA, M212, R2). ¹ Thomas Todd, who died on February 7. ² Daniel Drake. ³ Robert Trimble. ⁴ John Boyle. On the outcome of the rivalry, cf. below, Clay to Hammond, April 19, 1826; Clay to Boyle, October 20, 1826. ⁵ William T. Barry. ⁶ John J. Crittenden.
My dear Sir

Madame Pasta an Italian performer on the stage of the Opera wishing to make a small remittance to her husband who has gone out to the United States applied to me through the Minister of Baden to obtain a Bill for three thousand francs. I have drawn in her favor for that sum at about par making five hundred and sixty two dollars fifty cents, at thirty days sight which I hope you will find an arrangement to suit your convenience. The residue may remain in your hands, as I have already drawn from home as much as will probably be necessary during my stay in France. I find from my last letters from New Orleans that by the suspension of payment of the firm of Wm Kenner & Co. I shall either lose or be delayed for two and three years in the payment of nearly thirty thousand Dollars due by them to me for the last crop and a part of a former one which they sold and applied the money to their own use. It is fortunate for me that this accident did not happen until I had paid my debts. They shew property to a greater amount than all their Debts but I have by experience and observation learned to place but little confidence in such statements.

I have had a letter from Mr Livingston lately and am inclined to believe that although a friend to General Jackson he is disposed to support the measures of Mr Adams Administration— He is I believe a Member of the Committee of foreign relations and may be useful if favorable to the views of the Administration. I am sorry that the answer on the subject of our claims will take you by surprise but it was hardly to be expected that the Ministry as now Composed would depart from the ground they had before taken of connecting the Louisiana question with the one respecting the Claims. I most sincerely wish that the answer had not alluded to the untenable ground arising from the change of Government. If France could be driven from the extravagant proposal that her ships should be placed in our ports on the same footing with those of nations who have admitted by treaty the principle of reciprocity, without her assenting to that principle, then her claim would extend no further than for the injury done her by placing her navigation, by the law imposing the extraordinary and retaliatory Tonnage duty, upon a worse footing than the Ships of nations with whom we had no treaties, and this amount must necessarily be very inconsiderable. If these claims could by any means be satisfactorily settled I am disposed to think that the most friendly relations might be kept up between France and the United States. The attention of Ministers seems now to be directed to the increase of their
maritime force— On that subject you will obtain very valuable information from Commodore Morris who has visited all their naval stations. The financial condition of France is much better than that of England, and she has less to dread from war than the latter power.

I see Genl Lafayette very frequently and am happy to find that he is more circumspect than formerly on the subject of politics. He seems convinced that France is making a progress in obtaining civil liberty perhaps as rapid as the state of knowledge among the lower classes will justify and he begins to be sensible that any useful change must commence in the more general diffusion of education and knowledge. It was the wish of some of his friends to have proposed him as a Candidate to fill the vacancy occasioned in the Chamber of Deputies by the death of Genl Foy but he declined it under the conviction that in the present state of affairs his presence in that body could be of no use to his Country. He says he has profited from the advice you have been so kind as to give him and I hope he will not forget it—

I have heard nothing from St Petersburg later that [sic] the proclamation of the Emperor on the subject of the resistance made on the 26 Ulto. to proclaiming him Successor to his brother— I have reason to think that many discontented persons exist in Russia who will avail themselves of the first opportunity to oppose the course of the Government should the new Emperor adopt the policy of Alexander. The Army is tired of inaction and wishes for employment— The people, I mean the small portion which thinks, feels a lively sympathy in the cause of the Greeks and the nobles are displeased with the efforts which were made by the Emperor Alexander to elevate their Vassals in the scale of importance and place them on a level with their masters. Portions of their troops have resided in France and Poland and they are not the more safe instruments of power on that account. Many in France look with pleasure to the probability of events which will diminish the Gigantic power of Russia, and all the smaller states who have been oppressed by the Holy Alliance anxiously wish for its dissolution. The uncertainty prevailing on this subject will, it is said, induce Ministers to refrain from proposing laws for restraining the liberty of the Press and placing the Etat civile in the hands of the Clergy.

I am happy to learn that your health has improved and that you have been so fortunate as to obtain a good house so conveniently situated. It is to be hoped that by the formation of a Department of the Interior your labors will be diminished and your mind relieved from the most troublesome portion of your duties—

My health has improved very much and I begin to hope the winter may pass away without a relapse. My stay here beyond July will depend upon this event, for I can never consent to hold a
sitting when my health is such as to prevent me from attending to the duties imposed by it— With all the desire we feel to please our countrymen and countrywomen too the place is not without its vexations. We meet occasionally with persons who have the mania of finding their way into great company and they are ignorant enough of the usages here to believe that a Minister can introduce them into all the families where he is invited— As this is impossible it necessarily follows that with the best intentions to give satisfaction we sometimes offend— If they would reflect on the small sum allowed by the Government and the expence of living in Paris, and would study the usages of society, they would find that in relation to us they have no just cause of complaint. It gives me pleasure to state that the number of the discontented and unreasonable is trifling, when compared with those who entertain more just and liberal opinions—

As you will have despatches from Mr Everette by this opportunity it will not be necessary to allude to the state of affairs in Spain— Is it probable that an attack will be made on Cuba by the new Republics and if so what are their prospects of success?

Mrs. B. joins in presenting affectionate regards to Mrs. Clay

I am Dr Sir very truly Your faithful Servt. JAMES BROWN

Honb Henry Clay Secretary of State

ALS. DLC:HC (DNA, M212, R2).

1 Mme. Giuditta Maria Costanza Negri Pasta, famous soprano, at her peak in the period from 1819 to 1835, was the wife of Giuseppi Pasta, a tenor and lawyer. Baden’s Minister to France was the Baron de Pfyrdt-Ferrette, not further identified. 2 Edward Livingston. 3 See above, Brown to Clay, November 28, 1825. 4 Cf. above, Brown to Clay, January 13, 1826. 5 Charles Morris. 6 Cf. above, Brown to Clay, December 12, 1825. 7 See above, Brown to Clay, January 23, 1826. 8 In the early years of his reign Alexander I had professed acceptance of the views of his liberal friends, notably the plans for a constitutional monarchy as formulated by the commoner and teacher at St. Petersburg Seminary, Michael Speransky. The latter’s draft proposal in 1808 had recommended freeing the serfs as a landless peasantry with a guarantee of civil though not of political rights. Alexander had approved the document but never affixed his signature to it. 9 See above, Clay to Brown, November 14, 1825. 10 Proposal of such a Federal department, long agitated, had been urged by President Adams, in his annual message of December 6, 1825, as a division of the functions “of Foreign Affairs and of the Interior.” Richardson, A Compilation of the Messages and Papers of the Presidents, II, 314-15. Cf. below, Clay to Webster, February 16, 1826, note. 11 Alexander H. Everett. 12 Cf. above, Clay to Salazar, Clay to Obregon, December 20, 1825; Salazar to Clay, December 30, 1825; Poinsett to Clay, January 28, 1826.

Draft from James Brown

Exchange $562 50 Cents Paris January 30, 1826

Sir

Thirty days after sight of this second of Exchange, first of same tenor and date unpaid, pay to Madame Pasta or order, five hun-
dred and sixty two Dollars fifty cents value received, and charge
the same to account of Your Most obedient servant JAMES BROWN
To the Honble Henry Clay Washington
[Endorsements on verso]¹

Accepted 1st. April 1826. H. CLAY

Pay to A. [sic] Bradley Cashr. &c or order the amt. of the within
bill ($562 50/100. 5 Apr. 1826 H. CLAY
Cashr. of the Off. of Dt & Dt Washington.²

ADS. DLC-TJC. (DNA, M212, R16). Cf. above, Brown to Clay, this date.

¹ Both AES. Deletions by editors record transfers from Mme. Pasta to her husband,
from "Joseph Pasta" to Giovanni Crivelli (not identified), from Crivelli to D (ominick)
Lynch, from Lynch to Beers Bunnell and (D. W.) St. John, Ltd., London, from A.
Honeywell, cashier, to W (illiam) A. Bradley. Clay’s order of April 5 is also endorsed:
"W A Bradley."

² Richard Smith.

INSTRUCTIONS AND DISPATCHES January 30, 1826

To ISAAC COX BARNET, “Consul U. S. and their Agent of Claims, at Paris.”
Encloses a copy of a letter from the State Department to John Hollins, con­
cerning a claim against the French Government; subjoins a paragraph from the
reply; and directs Barnet to proceed, in collaboration with an agent of the
company, to take steps toward a favorable decision. Copy. DNA, RG59, Cons.
Instr., vol. 2, p. 381 (M78, R2). See above, Hollins to Clay, January 26, 1826,
and note. On February 1, 1826, Daniel Brent forwarded to Hollins a copy of
263 (M40, R19).

From JAMES BROWN, Paris, no. 45. Transmits (William C.) Somerville’s “last
Will and Testament”; states that (Isaac C.) Barnet “attended to the funeral at
La Grange” and that Somerville’s “watch and two breast-pins” are being sent
by J (ohn) J. Astor, who leaves “for New York in a few weeks.” ALS. DNA,
RG59, Dip. Disp., France, vol. 23 (M34, R26). See above, Lafayette to Clay,
January 22, 1826.

From JOHN A. KING, London. Acknowledges receipt of Clay’s “private letter” of
December 26 and states that he will give his “earliest attention” to obtaining
the information desired; reports being informed by (Vicente) Rocafuerte, Mex­
ican Chargé, that the British Government has decided to send as agent to
Panama “a Mr. Dawkins who with two Secretaries, will proceed in about ten
days in a British Frigate”; adds that, since England has not been invited to
send Commissioners to the Congress at Panama, the duties of her Agent will it is
presumed, be confined to the observation and reporting of what may there be
Received April 5. Edward J. Dawkins (not further identified) was instructed
to work for “the preservation and stimulation of British commerce and invest­
ments, in canal concessions, and in the problems of English colonists in South
Congress Held at Panama in 1826,” Hispanic American Historical Review,
XVIII (1938), 354-55.
Jan. 30, 1826

To [John Quincy Adams]. Transmits, in response to the House Resolution of January 18 requesting the correspondence between the governments of the United States and Great Britain "respecting the Boundary of that part of the Territory of the United States which is situated upon the Pacific Ocean, and which has not already been communicated, or so much thereof as may be compatible with the public interest to disclose," copies of eight documents. Copy. DNA, RG59, Report Books, vol. 4, p. 124. Published in American State Papers, Foreign Relations, V, 790-91. On adoption of the resolution, see U. S. H. of Reps., Journal, 19 Cong., 1 Sess., p. 162.

From George Davis, Philadelphia. Cites letters he wrote "the President of the United States, on the 14th. & 26th. November last," offering documents that could be used to substantiate a claim "against Denmark for Captures made of American property"; states that he has received no acknowledgment of his letters. ALS. DNA, RG76, Misc. Claims, Denmark. Davis' first letter is located in MHi-Adams Papers, Letters Received (MR472); the second, not found. He had been captain of a privateer sailing from Philadelphia during the quasi-war against France, 1798-1800.

Applications, Recommendations

Jan. 30, 1826

Samuel D. Forsyth, Caracas, solicits appointment as consul at La Guaira; states that he is a merchant at that port, where he has resided for ten years. ALS. DNA, RG59, A. and R. (MR2). Cf. below, Clay to Williamson, April 20, 1826.

Robert Weakley, Nashville, Tennessee, refers to his acquaintance with Clay "when in Congress" and, accordingly, expresses to him strong preference for Henry Crabb over George W. Campbell or William L. Brown, as circuit judge for Tennessee and Alabama, should Congress "amend the Judiciary System" (cf. above, Hammond to Clay, January 4, 1826, note; Hayes and others to Clay, January 18, 1826, note). Describes Crabb as "a good sound Lawyer, and a man of excellent Moral Character [sic], possessing a High Sense of Honor—and a Man who does not fall down and worship, any man or set of Men, no. not even the Idle [sic] of Tennessee." Explains that as "a Citizen of this end of the state, and of the neighbourhood of NashVille for upward of forty years—... amongst the first Settlers of West Tennessee ... [with] a General acquaintance all over the state," he (Weakley) is confident that he expresses the "Choice of the people." Describes himself as "One who has ever been" Clay's friend, wishing for him long life, prosperity, and service to the country, "with the same usefulness ... [as] heretofore...." ALS. DNA, RG59, A. and R. (MR1). Weakley, born in Virginia, had moved in 1785 to western North Carolina (now the State of Tennessee). He had become a planter, had been a member of the first Tennessee Legislature (1796), had served one term in Congress (1809-1811), and had held a seat in the Tennessee Senate (from 1823 to 1824).

To Samuel Smith

Sir (Confidential) 31 Jan. 1826

I think the object mentd. in your note¹ desirable, but it cannot
be accomplished by a proclamation for reasons which I have not just now time to mention. It can only be effected by an act of Congress, or by a diplomatic arrangement. I do not think it very material in which mode, but after the conversation which I had with Mr. Cambreling [sic], on subsequent reflection, and examination of the British Correspondence, I inclined to think that of negotiation perhaps preferable. But it is so doubtful, that I am sure if Congress choose to pass the act, it should be cheerfully acquiesced in it [sic].

The act shd. be drawn with much care. Suppose you talk again with Mr. Cambreling [sic] (to whom be pleased to shew this letter) and with Mr. Newton.

Yr’s respectfly. H Clay


1 Not found. The matter probably concerned an effort to remove the discriminating duties imposed upon British vessels and cargoes entering United States ports from British-American colonies. On January 25, Churchill C. Cambreleng had offered a resolution to instruct the Committee on Commerce of the House of Representatives “to inquire into the expediency of amending the act of 1st March, 1823 [see above, III, 729n] so as to authorize the President” to take such action “whenever he shall have been officially informed that American vessels and their cargoes are, in like manner, admitted into the British-American colonial free ports.” Thomas Newton, Jr., Chairman of the Committee on Commerce, had noted that the committee was considering the whole subject of commerce and expressed his personal view that Britain, not the United States, was responsible for the restrictions on West Indian trade. He had not, however, opposed the resolution, and it had been adopted. Register of Debates, 19 Cong., 1 Sess., 1119.

From Thomas A. Duncan

Dear Sir

Nashville January 31t. 1826.

Although but a youth when I enjoyed your personal acquaintence [sic], strong impressions were made upon my mind, which time and a more perfect knowledge of your public services have strengthened and confirmed—You will please accept this as an apology for the liberty I am about to take of addressing you upon a subject of the deepest interest to the people of this state.

[Expresses a hope that Congressional action will result in the formation of a new Federal judicial circuit, “composed of Tennessee & Alabama,”1 and recommends the appointment of Henry Crabb as Circuit Judge.]

You have heard I suppose of the death of my Uncle and your old friend, Jas. H. McLaughlin of Hopkinsville (Ky).— It was at his house I had the pleasure the last time of seeing [sic], and conversing with you. I have been engaged in the practise of my profession nearly ever since at this place.

Please write me on the receipt of this. It will at all times afford me pleasure to hear from you, and to know that you are well, and engaged, as you have been since my earliest recollection [sic], in the service of your Country.
From John Sergeant

Dear Sir,


I am much obliged by your (private) letter of the 29th. inst. received to day. The delay has been unexpected, but not at all inconvenient to me. The only apprehension has been that what was taken from the beginning, might be added to the end, which would run into the sickly season. That, I hope, is not to be the case.

Some few days ago I had an application on behalf of Mr. Jarvis, the painter, who wishes to go to Panama, to take portraits of the members of the Congress. He was strongly supported, and especially by your countenance in a letter to C. J. Marshall. Of course, I could say nothing in the present posture of the affair. But, it appeared to me that there might perhaps be some objection to taking out an artist as an attaché, and upon that point I will be glad, privately, to know your opinion.

I wish to take with me a young friend of great merit, William B Reed, to whom if there be no objection I will give the title of "Private Secretary." And I am also desirous to be accompanied by Doctor Morgan, a surgeon of the Navy, who has a knowledge from experience of the diseases of the climate. He is at present in this City. It will be necessary, for that purpose, to have an order (at the proper time) from the Secretary of the Navy. If perfectly convenient to you, and not otherwise objectionable, I will beg the favor of you to speak to the Secretary of the Navy.

At what time do you suppose it will be necessary for me to be at Washington? A very short notice will be sufficient, having as far as practicable arranged to depart from here at any moment when required,

Yrs. very truly

John Sergeant.

Henry Clay Esqr.

ALS. InU.

1 Not found.

2 John Wesley Jarvis, born in England, had come to the United States as a child, had been trained as an engraver, and in 1803 had begun a notable career as a portrait painter in New York. There he had done a portrait of Clay in February, 1814. Harold E. Dickson, *John Wesley Jarvis, American Painter, 1780-1840, with a Checklist of His Works* (New York, 1949), p. 161 and pl. 53.

3 Chief Justice John Marshall, of whom Jarvis’ portrait is considered one of the best. The letter from Clay to Marshall has not been found.

4 William Bradford Reed, Sergeant’s nephew, now twenty years old, a graduate of the University of Pennsylvania, trained in law by Sergeant and admitted to the bar shortly before he set out with the latter on the Panama mission. Reed spent the latter
half of the year in Mexico City with Joel R. Poinsett before returning to Philadelphia to practice law. He later served in the Pennsylvania Assembly (1834, 1835) and the Pennsylvania Senate (1841-1842), as State attorney general (1838), and as district attorney for the City of Philadelphia (1850-1856).

5 Mordecai Morgan, of Pennsylvania, commissioned in 1818 and assigned to the West India Station in 1823. 6 Samuel L. Southard.

MISCELLANEOUS LETTERS

January 31, 1826

To [JOHN QUINCY ADAMS]. Transmits, in response to a Senate resolution of January 30, requesting the President “to inform the Senate whether the Government of Spain has been informed of the application made by our Government for the intervention of the Emperor of Russia, to induce Spain to recognize the Independence of the South American States, and to lay before the Senate the correspondence . . . between our Minister at Madrid and the Spanish Government, and also between such Minister and our Government, on the subject of such intervention and recognition,” extracts from Clay’s letter to (Alexander H.) Everett, April 27, 1825, Everett’s dispatch (to Clay) of October 20, 1825, and notes of a conversation between Everett and (Francisco de) Zea Bermudez, enclosed in Everett’s dispatch (to Clay) of September 25, 1825. Copy. DNA, RG59, Report Books, vol. 4, p. 132. AN draft, in DLC-HC (DNA, M212, R2); published in Senate Docs., 19 Cong., 1 Sess., no. 68, pp. 77-78. None of the copies dated. For the resolution, see U. S. Senate, Journal, 19 Cong., 1 Sess., p. 439.

To SAMUEL D. INGHAM. States, in answer to Ingham’s letter of January 25, that (James) Monroe returned to London, from a special mission to Spain, on July 23, 1805, and renewed negotiations relative to “a Convention to define certain neutral rights,” that in the spring of 1806 Monroe and (William) Pinkney began negotiations with Great Britain in an effort to effect an “amicable adjustment of all points in question between the two Countries,” that this latter negotiation continued until October 22, 1807, and that, in addition, “Mr. Monroe was separately charged with a negociation on the subject of the attack on the Chesapeake.” Encloses supporting statements from Monroe’s correspondence and “the 6th Volume of Waite’s [sic] State Papers” (above, Clay to Hughes, March 24, 1825, note). Copy. DNA, RG59, Report Books, vol. 4, pp. 124-25.


From JOSEPH ANDERSON, “Treasury Department, Comptroller’s Office.” Inquires whether either party “to the Convention of Navigation & Commerce” of June 24, 1822 (cf. above, III, 53n), between the United States and France, has issued a declaration discontinuing “the arrangements provided for in that convention.” LS. DNA, RG59, Misc. Letters (M179, R64).

From EBENEZER HERRICK, “House of Representatives Washington.” Inquires where he may find “instructions of the President of the U. S. of August 28th 1826 [the date 1812 here interlined in brackets],” which he supposes were issued “to the commanders of private armed vessels” and which “are particularly
alluded to in the 8th Vol. Cranch’s Reports, in the case of the Thomas Gibbons, page 481.” ALS. Ibid. The Thomas Gibbons, an American vessel carrying a cargo of British goods, had been taken into the port of Savannah by the privateer Atlas during the War of 1812. The Federal Circuit Court for the District of Georgia had dismissed the libel and the decision had been upheld by the Supreme Court in the February Term, 1814. 12 U. S. (8 Cranch), 420-31.

From John Mitchell, Washington. Complains of a charge against him “as far back as 1804,” discovered when settling his accounts with the Government; explains the circumstances of the case and his belief that, instead, the Government is indebted to him; requests settlement of the matter.

To [Burwell] Bassett

1 Feb. 1826

H. Clay requests the favor of the Company of Mr. Bassett at Dinner on Wednesday the 8th inst. at five o’clock.

An answer is respectfully solicited.

To [Levi] Woodbury

1 Feb. 1826

H. Clay requests the favor of the Company of Mr. Woodbury at Dinner on Wednesday the 8th instant at five o’clock.

An answer is respectfully solicited.

INSTRUCTIONS AND DISPATCHES

February 1, 1826

From R[ichard] C. Anderson, Jr., Bogotá, no. 33. Reports the assent of the (Colombian) Government “to a mutual and immediate renunciation of the Countervailing duties, to which the commerce and navigation of the two Countries, have been heretofore subjected in the ports of each other”; notes that “This Government has . . . elected to abolish the duties under consideration by a decree of the Executive”; encloses a copy of the decree; lists the principles incorporated in “the late Convention between Colombia and Great Britain
which has been assumed in this Case as the standard for affixing the regulations to be established with us”; points out that “the enclosed decree is broader than the act of Congress” of January 7, 1824 (above, Lorich to Clay, March 16, 1825, note), which authorizes reciprocity on “duties of tonnage and impost,” and that it will be necessary to safeguard the arrangement against violation by future United States legislation providing a bounty on exports. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 5 (M-T33, R3). Received March 25. Published in *American State Papers, Foreign Relations*, V, 912-15.


From Joel R. Poinsett, Mexico, no. 35. States that “the English Plenipotentiaries have not been able to conclude a treaty” and, in consequence, that one of the Mexicans, probably Sebastián Camacho, will accompany (James Justinian) Morier to England; expresses regret concerning “this arrangement,” which he believes, will further delay settlement of the claims he has presented (above, Clay to Poinsett, March 26, 1825; September 12, 26, 1825). Reports that, in answer to an inquiry, he has explained to the President (Guadalupe Victoria) the views of the United States in regard to Cuba (see above, Clay to Poinsett, March 26, 1825; December 30, 1825), that the President “expressed himself perfectly satisfied” and gave assurance “that the government of Mexico had no intention, to conquer or keep possession of that Island—that the object of the expedition which they contemplated, was to assist the revolutionists of Cuba to drive out the Spaniards, and, in case they succeeded, to leave that people to govern themselves.” Notes that the President wishes the views of the United States and Mexico toward Cuba expressed in writing and that Poinsett has promised to ask his government for instructions. Explains that the anxiety of Mexico results from two rumors: that the United States has proposed to guarantee Spanish possession of Cuba and Puerto Rico in return for recognition by Spain of her former colonies in America and that Colombia is preparing to send an expedition to Cuba. Expresses an opinion that the large force being “collected in Havana” causes uneasiness in Mexico and points to the vulnerability of Yucatán. LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received March 21. Published in Manning (arr.), *Diplomatic Correspondence . . . Latin-American Nations*, III, 1651-52.

**MISCELLANEOUS LETTERS**

February 1, 1826

To Joseph Anderson. States, in reply to Anderson’s “Official Note” of the preceding day, that no declaration has been made by France or the United States to end “the Convention of June 1822,” which is still in effect. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 264 (M40, R19).

To Richard W. Greene, Providence. Forwards commission as United States attorney for the District of Rhode Island. Copy. Ibid., p. 263. Receipt of letter and commission was acknowledged by Greene on February 6, 1826. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

From John Holmes and John Chandler, Washington. State that they have received from the Governor of Maine (Albion K. Parris) “a resolution of the Legislature relating to our Northeastern boundary line” and a request that they examine certain documents “for the purpose of furnishing a full view of
February 2, 1826

the Controversy"; ask Clay for information concerning the documents available, in order that they "may call & [sic] designate such as will satisfy the inquiry." ALS by Holmes, signed also by Chandler. DNA, RG59, Misc. Letters (M179, R4).

From George W. Owen, Washington. Encloses "the resignation of Judge [Charles] Tait . . ." ALS. DNA, RG59, A. and R. (MR2). Endorsed by Clay: "Mr. [Daniel] Brent will have all the recommendatory letters, respecting the Alabama Judge, collected to be laid with this before the President. H. C."

From Charles Tait. Resigns as "Judge of the Southern & Northern Districts of Alabama." ALS. Ibid.

APPLICATIONS, RECOMMENDATIONS February 1, 1826

Leonard P. Cheatham, Nashville, transmits a document, to be laid before the President, recommending, without expression of a preference between them, (Henry) Crabb and (William L.) Brown for appointment as United States judge for the proposed new circuit. ALS. DNA, RG59, A. and R. (M531, R1). The enclosure, dated January 20, 1826, is signed by fifteen members of the Tennessee bar, "residing for the most part in Nashville . . ." Ibid. Cf. above, Hammond to Clay, January 4, 1826, note. Cheatham, later identified as a Jackson supporter, became a justice of the peace of Nashville in 1834 and postmaster there from 1845 to 1849.


To Daniel Webster

My dear Sir (Private and Confidential) [ca. February 2, 1826]

The lapse of time now renders the adoption of Mr. Hamilton's resolution1 about Panama necessary. The Senate wants a spur. Respect for it has heretofore induced the President to hold up his message to the house until the Senate acted.2 The same consideration continues to operate; but that ought not to prevent the House moving in the matter, if it think proper to do so. We really desire that you should, and, if you see no objection to the course, suppose you take up Mr. Hs. resolution and pass it for him to day? I made this suggestion to Letcher, Storrs & one or two others who were at my house last night.3 I am Your's faithfy H. Clay

The Honble D. Webster.

ALS. DLC-Daniel Webster Papers (DNA, M212, R22).

1 On December 16, 1825, James Hamilton, Jr., had introduced in the House of Representatives a resolution requesting the President "to transmit to this House copies of all such documents, or parts of correspondence, (not incompatible with the public interest to be communicated,) relating to an invitation" from Colombia, Mexico, and Central America for the United States "to join in the deliberations" of the Panama Congress, to which the President proposed to commission ministers. Register of Debates, 19 Cong., 1 Sess., p. 817.
2 See below, Clay to Anderson, March 15, 1826.
3 On February 2 Webster moved to postpone the orders of the day and bring the discussion on Hamilton's motion "to some issue." Later in the day Webster offered a substitute resolution, which was accepted on February 3. Robert P. Letcher and Henry R. Storrs supported the amended measure; Hamilton voted against it. The Webster resolution requested the President "to cause to be laid before this House so much of the correspondence" between the United States and the "new States of America" on the Panama Congress, "and such information respecting the general character" of the Congress, "as may, in his opinion, be communicated without prejudice to the public interest" and to inform the House as to the proposed role of the United States agents in the deliberations of the Congress. Register of Debates, 19 Cong., 1 Sess., p. 1253.

APPLICATIONS, RECOMMENDATIONS February 2, 1826

ROBERT CLARK, Monroe, Michigan, encloses a recommendation for the appointment of William Woodbridge as district judge in Michigan Territory "Whenever a District Court Shall be organized by law in the Territory"; adds his own recommendation; and warns against credence of the charges directed at Woodbridge, particularly by the Detroit Gazette, edited by John P. Sheldon. ALS. DNA, RG59, A and R. (MR4). Published in Carter (ed.), Territorial Papers, XI, 943. The enclosure, dated January 7, 1826, is signed by John Anderson, as chief justice of Monroe County court, Charles Noble, district attorney, Wolcott Lawrence and Jabez Chickering, members of the bar, and Clark. Clark, a physician and farmer, had recently moved to Michigan from New York, which he had represented in Congress (1819-1821). He was now (1823-1831) register of the land office for the second district of Michigan Territory. Noble, born in Massachusetts and graduated from Williams College, had moved to Cleveland, Ohio, in 1818 and, shortly thereafter, to Monroe, Michigan. He became a member of the Territorial Legislative Council (1828-1830) and State representative (1855-1856) and was the first president of the Michigan Southern Railroad. Lawrence had been a Monroe County commissioner until his appointment, in February, 1824, to the Territorial Legislative Council. He remained on the Council until 1831. Chickering was appointed, by Woodbridge, in February, 1826, justice of the peace for Monroe County. On Woodbridge's appointment, see above, III, 522n.

J[AMES] BROWN RAY, "Executive Department, Indianapolis," states that the General Assembly of Indiana wishes to construct a canal from the Wabash to Lake Erie (see above, Edwards to Clay, July 18, 1825) and that the route lies through Indian lands, for the purchase of which the Indiana congressional delegation will request the President to appoint commissioners; applies for appointment as one of these officers. LS. DNA, RG59, Misc. Letters (M179, R64). On May 20, 1826, Congress allotted funds for treating with the Miami, Pottawatomi, and any other tribes claiming lands in Indiana. 4 U. S. Stat., 185. Ray was appointed one of the commissioners and was successful in the negotiations; but he was politically censured for accepting, in violation of the Indiana Constitution, a Federal position while holding a State office (the Governorship).

INSTRUCTIONS AND DISPATCHES February 3, 1826

From ALEXANDER H. EVERETT, Madrid, no. 22. Transmits a copy of the note which he "lately addressed to the Duke del Infantado, on the subject of America" (see above, Everett to Clay, January 27, 1826); states that he has given copies, in confidence, to some members of the diplomatic corps in Madrid and proposes
sending “copies to the Ministers of the U. S. at Paris, London & St. Petersburgh”; reports that the Austrian Minister (Count Brunetti) stated “upon this occasion that he had himself made a written overture to this Govt. upon the same subject, as long ago as last May, in which he insisted on the great probability of the loss of Cuba, should the war be continued, and offered the mediation of his Govt. and their good offices with that of England in attempting to bring about a peace.” Adds that “Russia seems to be the only foreign power that has used its influence here in such a way as to favor the present system.” LS. DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2100. Endorsed by Clay: “To be submitted to the President.” Everett’s note to the Duke, dated January 20, consisting of 47 manuscript pages, urges Spanish recognition of the new American Republics and an end to the war with them. In the course of his argument, stressing the pecuniary hardship to Spain of the Latin American revolutions, in respect both to the costs of military action and to the loss of trade revenue, Everett commented: “The American States would doubtless consent to furnish in return for the acknowledgement of their independence, such pecuniary supplies as would be sufficient to remove all financial embarrassments and to reestablish the public credit on a solid basis.” While he disclaims any authority for voicing such a proposition, he cites the arrangement for French recognition of Haiti (above, Holden to Clay, July 16, 1825) as indicating “to what an extent a community in the situation of the Spanish settlements in America is willing to make immediate sacrifices in order to obtain complete and permanent security.” For the views of the administration in reference to Everett’s presentation of these views, cf. below, Everett to Clay, June 2, 1826.

Count Brunetti, not further identified, Austrian Chargé d’Affaires at Madrid in 1823, became Envoy Extraordinary in 1824 and held the latter position through the end of the decade.

MISCELLANEOUS LETTERS

February 3, 1826

From Francis Baylies. Encloses documents “relative to the Minerva”; asks Clay to inform him “If any additional authority is wanted to enable Col. Reed [Joseph E. Read] to receive the amount of the indemnity awarded by the Colombian Government. . . .” ALS. DNA, RG76, Misc. Claims, Colombia.

INSTRUCTIONS AND DISPATCHES

February 4, 1826

From Heman Allen, Valparaiso, no. 27. Transmits “a printed copy of the official account” of the capitulation of Chiloé (above, Allen to Clay, December 2, 1825, note); comments that the news “was brought . . . by the Achilles, commanded by Capt. [Charles Whiting] Wooster, a citizen of the United States, who with his ship bore a conspicuous part in the dangers of that enterprise, and . . . contributed very eminently to its success”; discusses the internal difficulties that beset Chile; and asserts that “the hopes of the friends of freedom . . . are mainly fixed upon” (Joaquin) Campino. ALS. DNA, RG59, Dip. Disp., Chile, vol. 1 (M-T2, R1). Received June 3. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1109-10. The Achilles had been a Spanish sloop of war until 1825, when, after a mutiny of her crew, she had been surrendered to the Chilean Patriots. Wooster, who had commanded a privateer and served in the defense of New York Harbor during the War of 1812, had been a captain in the Chilean Navy from 1817 to 1819, had engaged
in whaling from the latter date until 1822, and then had returned as commander of the Chilean Navy, which position he held until 1835.

From W[ILLIAM] R. HIGGINBOTHAM, Bermuda. Notifies Clay that a draft has been drawn on him, as Secretary of State, in favor of James D. Thoburn, for $100 "expended for the relief of distressed American Seamen in this Port." ALS. DNA, RG59, Cons. Disp., Bermuda, vol. 1 (M-T232, R1). Received February 26. Endorsed by Clay on cover: "Query—These drafts come very often from Mr. H." A second draft from Higinbotham, for $100 in favor of Captain Eben Babson, was received on the same day; and a third, for $150 in favor of C. T. Gray, had arrived a day earlier. Both of these were dated February 6. Thoburn and Gray not further identified; on Babson, see below, Quarrier to Clay, November 6, 1826.

From SAMUEL HODGES, JR., "Consulate U. States, Cape de Verd Islands Villa da Praya St. Iago." States that he wishes to visit the United States in July and inquires whether he may leave "a trusty person" in charge of the consulate. ALS. DNA, RG59, Cons. Disp., Santiago, vol. 1 (M-T434, R1). Endorsed by Clay: "To be submitted to the President."

From MICHAEL HOGAN, Valparaiso. Transmits a Peruvian decree received by Commodore (Isaac) Hull June 30 last, which, he supposes, Hull has already reported to the State Department (see above, Tudor to Secretary of State, April 22, 1825, note; Allen to Clay, September 16, 1825; Southard to Clay, December 14, 1825 [1]; Clay to Hull, December 20, 1825); states that he has cooperated with the English consul general in Valparaiso in reacting to the decree, particularly in instructions to Hull; declares the pretensions of Peru untenable; expresses fear of overlapping efforts of diplomatic agents; encloses a copy of his note to Hull. ALS. DNA, RG59, Cons. Disp., Valparaiso, vol. 1 (M146, R1). Extract published in Manning (arr.), Diplomatic Correspondence... Latin-American Nations, II, 1108.

From RUFUS KING, London, no. 20. Encloses (George) Canning's latest communication to him and his own reply; reports that he recently "informed Mr. Canning of the proceedings at Halifax taken from an American Gazette, excluding our Vessels from intercourse with the Province" (see above, Clay to Cambreleng, December 25, 1826) and that Canning, apparently surprised, "took a note of the Communication, without intimating any Course that the Government would adopt." Notes the financial difficulties of the government and lists the "Loans, and Dividends paid chiefly out of New Loans advanced by the Money Lenders" in recent years, which, he thinks, "have... contributed to the actual Embarrassment of the Country." LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received April 9. Extract published in Manning (arr.), Diplomatic Correspondence... Canadian Relations, II, 496-97. In the enclosures, Canning interprets King's note following rejection of his compromise offer (see above, King to Clay, January 27, 1826) as an attempt to reopen discussion of the merits of the case, which Canning declines doing; King's reply protests this interpretation and, expressing regret at the rejection of his offer of compromise, repeats "the request of his last Communication... that the Instructions therein mentioned may be explicitly and speedily acted upon."

From THOMAS M. RODNEY, Havana. Reports that he has secured "the release from prison of the remaining part of the crew of the Brig Noble viz [Benjamin F.] Bruce, [William] Perry, Armstrong White and Thomas Young,"
FEBRUARY 5, 1826

on condition that they depart immediately and never return, and has placed them on board the Constellation. ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Received February 23. See above, Perry to Clay, March 25, 1825; Warner to Clay, March 26, 1825; Diamond to Clay, October 8, 1825; Clay to Rodney, October 29, 1825; Clay to Vives, November 14, 1825; Vives to Clay, December 24, 1825; Rodney to Clay, December 19, 1825, January 7, 1826. Armstrong, White, and Young have not been further identified.

MISCELLANEOUS LETTERS

February 4, 1826

To GEORGE WALTON, Tallahassee. Forwards his commission as Secretary for the Territory of Florida. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 265 (M40, R19).

From SAMUEL L. SOUTHARD, Navy Department. Acknowledges receipt of (Fortunatus) Cosby's letter (above, January 14, 1826) referred to him by Clay; replies "that Midn C, [sic] was here a few days ago and is now on his way to Kentucky. He has leave of absence from the Department, on the expiration of which he will join the New York Station." LS. DNA, RG59, Misc. Letters (M179, R64).

DIPLOMATIC NOTES

February 5, 1826

From CHARLES R. VAUGHAN, Washington. Acknowledges receipt of Clay's note of February 2 relative to the case of (George) Moody, whose fishing vessel was captured by the British; refers to correspondence with the State Department in 1823 stating that the vessel, the Charles, was condemned in vice admiralty court for breach of a law enacted in conformity with the British-American Convention of October 20, 1818 (see above, II, 611n). LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 498-99. The note here attributed by Vaughan to Clay appears in DNA, RG59, Notes to Foreign Legations, vol. 3 (M38, R3), p. 259, over the signature of Daniel Brent and requests information concerning the official investigation of the incident.

INSTRUCTIONS AND DISPATCHES

February 5, 1826

From THOMAS L. BRENT, Lisbon, no. 14. Transmits copies of a letter, dated January 31, from (Frederico) Torlade d'Azambuja and his own reply. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received April 5. The enclosures relate to the desirability of increasing trade between the United States and Portugal. Torlade states that "The Treaty between Portugal and Great Britain of 1810 will not longer be any impediment to" the importation by Portugal of American fish; he thinks that in time perhaps Portuguese wine may be exchanged for American corn to the advantage of both countries; and he cites the recent treaty between England and the Hanseatic towns "as a true model of reciprocity." Brent expresses his pleasure at receiving the statement concerning the treaty of 1810, concurs in considering the mutual advantages to be gained in trade, but disagrees with Torlade's view of the treaty between England and the Hanseatic towns. For the treaty, which in its terms did provide for reciprocity, see Annual Register, 1825, pp. 70*-72*.
From Rufus King, London, no. 21. Expresses disappointment that (William) Huskisson and (Henry U.) Addington have not “conducted the Question of Compromise,” though “named . . . for that purpose, and to be employed in the Negotiation which Mr. [Richard] Rush last year had charge of” (see above, King to Clay, December 25, 1825), and notes that (George) Canning has retained “the subject of the Umpirage of Russia in his own hands. . . .” Explains that “Whatever relates to matter referred to Russia has gone contrary to the expectation of Great Britain and Pride of her Influence” and that the British, in their construction of the Convention (of St. Petersburg), have the power to impair or destroy that document’s “beneficial influence in favor of the United States. . . .” Expresses fear “that our Disappointments may not stop here” and refers to the questions of “Boundaries, and the Navigation and Commerce of the British Colonies,” on which he has not yet received instructions, and which, in view of the “Spirit of intoxicating Satisfaction, and self gratification on the subject of the Late Commercial Laws [see above, Clay to Carey, June 6, 1825, note] relative to what is here called and believed to be a System of Free Trade,” will be difficult to settle. Concludes: “If we cannot compromise the Disagreement upon the Russian Convention, nor enter into amicable Negotiations respecting Boundaries and the Trade and Navigation of the British Colonies,—as regards the first, we must employ the means established by the Convention; and in respect to the last, we have nothing left but the employment of countervailing Laws against the vaunted System of Great Britain.” Encloses “a Copy of a Letter received from Admiral Sir Isaac Coffin.” LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received April 9. Extract published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 497-98.

In his letter, Coffin cites the Treaty of 1783 between England and the United States, which permitted American fishermen “to dry and cure their Fish on the Magdalen Islands, with leave of the Proprietor or Possessor of the Ground, when Settled,” and “the Late Convention” between the two countries “regarding the Fisheries” by which “the Magdalen Islands are excluded.” He then, “As Proprietor of the said Islands,” states that he has no objection to renewal of the fishing privilege, provided King “apply to this government for an order in Council for that purpose, and that it is stated the agreement must be made with the Proprietor of the Islands.” Coffin, who had served in the British Navy from 1773 to 1794 and again from 1804 to 1814, had been created a baronet in 1804 and had been promoted to the rank of admiral upon his retirement. He had been a member of Parliament since 1818.

From [Simon] Cameron and [David] Krause

Sir. Harrisburg. Feb. 6, 1826.

A press of business which always attends the meeting of the Legislature, in our office, prevented us at the time from thanking you for the appointment to publish the laws of the Union.1 This appointment, trifling as it is in a pecuniary view, gave us pleasure because we have understood that some efforts were made to have it given to another. The confidence reposed in us shall not be abused.

It is gratifying in our first [sic] letter to you, to give information of the passage of a resolution by the Senate of our state, a motion
of Dr Sutherland, approving of the appointment of Ministers to Panama.\(^2\) Considerable discussion ensued on this resolution, in which the political parties which distinguish our state, were marshalled for and against its passage. The friend of liberal principals [sic], however, triumphd, and the resolution was approvd by every member except six. This vote may in some degree be taken as an indication of the feeling here in regard to yourself as it has been stated here by the member of congress from our district,\(^3\) who is on a visit to his family, that with the decision of this question the "Secretary of state must rise or fall." Let me assure you, Sir, that the course pursued by the majority of members from this state in relation to the general government does meet the approbation of their constituents. The military fever which spread like a pestilence through our commonwealth for a short time, has given place to a cool and tranquil reflection which cannot fail to prevent its return. Next fall's election will make many changes in our representation; Among those who will be left at home is that poor tool of more dishonest men, Kremer;\(^4\) and in place of the gentleman who represents this district we will send a warm admirer of the eloquent advocate of South American independence.\(^5\) Let the general government only pursue, in its appointments and general measures, a republican and liberal policy as it has done so far, and nothing need be feared from Pennsylvania.

We would be glad to have occasional information from your city.


ALS by Cameron. DNA, RG59, P. and D. of L. Krause, not further identified, had bought an interest in the Harrisburg Pennsylvania Intelligencer in 1825.

\(^1\) Letter not found.

\(^2\) The decisive vote on this resolution in the Pennsylvania Senate had been taken February 6, when the measure had passed the second reading by a vote of 25 to 7. The final reading and passage, without recorded vote, did not occur until the following day. Penna. Senate, Journal, 1825-1826, pp. 300-302, 304. No account of house action has been found. Joel Barlow Sutherland, born in New Jersey and graduated from the University of Pennsylvania Medical School, had served in the War of 1812 as an assistant surgeon and later as a Pennsylvania militia officer. He had been admitted to the practice of law in 1819, had been a member of the Pennsylvania House of Representatives (1813-1815 and 1821-1825), and was now a member of the State Senate. Later in the year he was elected to the United States House of Representatives and remained in that body until 1837. He became the author of a Manual of Legislative Practice and Order of Business in Deliberative Bodies (1827), which went through several editions, and of a Congressional Manual (1839).

\(^3\) Robert Harris.

\(^4\) George Kremer.

\(^5\) Harris was replaced by Innis Green, a lawyer, an associate judge of Dauphin County (1818-1827 and 1831-1839), and, from 1827 to 1831, a member of Congress. He was, however, a Jackson supporter.

From John J. Mercier

To the Honourable Henry Clay.

Dear Sir,

New Orleans February the 6th 1826.
The hospitable kindness with which I have been treated at Ashland from the very first time I had the honour of being presented to you, is deeply impressed in my heart, and I have to thank you again for the attentions which you condescended to bestow upon me the last time I saw you at Washington. Emboldened by so much goodness, I take the liberty of adding my feeble recommendation to that of many of my country men in favour of a highly esteemed friend, Mr Henry Carleton, who is a candidate for the office of Judge of the District Court of the United States, which will ere long become vacant by the resignation of Mr Robertson, our ex-governor.

Mr Carlton has lived in New Orleans for nearly twenty years; he is intimately acquainted with manners, customs and different languages of the community. He is generally beloved by the two populations, and is one of the most distinguished members of our bar, both in point of talents and integrity; his translation of Las Partidas proves that he merits the reputation which is so generally allowed him.

Forgive me, Sir, forgive one so young for presuming to influence your mind in regard to the nomination of any individual to office; but permit me to say that I am well acquainted with the sentiments of the community to which I belong, and that I esteem and respect you too much to present you a candidate whose nomination would not do honour to the General Government and gratify the feelings of the majority of my country men.

With sentiments of highest respect and gratitude I remain your sincere friend and humble servant.

J. J. Mercier.

Be so kind, Sir, as to present my best respects to Mrs. Clay—

ALS. DNA, RG59, A. and R. (MR1).

1 Born in Virginia as Henry Carleton Cox, he had been graduated from Yale in 1806, had lived some years in Mississippi, and in 1814 had settled in New Orleans. He had there read law in the office of Edward Livingston, his brother-in-law. He did not receive the appointment here desired but served from 1832 to 1837 as United States district attorney and from 1837 to 1839 as an associate justice of the Supreme Court of Louisiana.

2 Thomas B. Robertson, who remained on the bench until his death in October, 1828.

3 Carleton, with Louis Moreau Lislet, had translated and published The Laws of Las Siete Partidas Which Are Still in Force in the State of Louisiana (2 vols.; New Orleans, 1820). Lislet, French by birth, was one of the leading lawyers of New Orleans, a former parish judge (1807-1811) and a member of the State legislature (1820), noted for several works codifying Louisiana law.

INSTRUCTIONS AND DISPATCHES

February 6, 1826

From Alexander Burton, Cadiz. Reports that a “Spanish Ship of the Line” and a corvette, having on board 500 troops and crews of 1,000 men, “are to sail to day for Havana”; notes that these vessels could not offer “very effectual resistance if attacked by a well appointed Frigate and Corvette of any northern nation”; states that “It is believed, confidently, that” Spain is being encouraged
by "a Junto of the Clergy of Mexico" to undertake another expedition to that country. ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received March 24.

From A[nthony] H. Dunlevy

Dear Sir

Lebanon, February 7th. 1826

I have just returned from Union Village and am requested by Nathan Sharp¹ to inform you that they wish you to forward the inscription for your deceased daughter's² tomb. I examined the work and doubt not you would be satisfied with its execution. Indeed the artist,³ a young Man from Boston, has taken great pains and has certainly excelled any specimen of the kind which I could see in Cincinnati. The price will be $50 at the village exclusive of lettering at the rate of $4 for every hundred words. The carriage and preparation of a solid foundation on which to set it will be about three or four dollars I presume.

We have had a winter remarkable for its sudden transitions from cold to pleasant weather but on the whole has been favorable to business & health. Our citizens are generally well and no cases of serious illness exist at present within my knowledge.

With high esteem, I remain yours &c

A H Dunlevy

Hon. H Clay Washington

ALS. DLC-HC (DNA, M212, R2). Postmarked at Lebanon, Ohio.

¹ Principal trustee of the Shaker community near Lebanon. Clay had visited the settlement twice during his stay in Ohio the previous July. J[ohn] P[atterson] MacLean, Shakers of Ohio; Fugitive Papers Concerning the Shakers of Ohio, with Unpublished Manuscripts . . . (Columbus, 1907), 72.

² Eliza Clay.

³ Robert Williston, not further identified.

INSTRUCTIONS AND DISPATCHES

February 7, 1826

From Richard C. Anderson, Jr., Bogotá, no. 34. Reports that, in several conversations concerning the war between Colombia and Spain, with particular reference to "the Spanish American Islands," (Joseph R.) Revenga has stated "that it is essential to the peace of Colombia and Mexico, that those Islands, particularly Cuba should be severed from Spain" but has disavowed any intention to annex either Cuba or Puerto Rico. States that he seized an early opportunity to give Revenga (a copy of) Clay's letter of May 10, 1825, to (Henry) Middleton. Expresses uncertainty as to the course to be followed by Colombia and "the other Confederates to promote the independence of the Spanish Islands" and notes that the first stipulated objective of the squadron at Cartagena (cf. above, Clay to Salazar, December 20, 1825; Salazar to Clay, December 30, 1825) was "to cooperate in reducing St. Juan de Ulloa." Points out that the disavowal of any intention to annex Puerto Rico indicates to him "some recent change of policy. . . ." Notes that an answer has been received by Colombia (unexpectedly, he thinks) from the Emperor of Brazil (Peter I), "accepting the invitation to send Commissioners to the Congress at Panamá, and declaring his intention to be represented there." ALS. DNA, RG59, Dip.

MISCELLANEOUS LETTERS

February 7, 1826

To John H. Morel, Savannah. States that a commission appointing him marshal for the District of Georgia has been sent to (Jeremiah) Cuyler pending filing of official bond. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 266 (M40, R19). A copy of Clay's letter of transmittal to Cuyler, same date, is located ibid.; Morel's letter of acknowledgment, dated March 14, 1826, ALS, in DNA, RG59, Misc. Letters (M179, R64).

From Thomas U. P. Charlton, Savannah. Apologizes for recommending (Robert M.) Goodwin; states that at the time he wrote he had understood that (John H.) Morel was not a candidate for reappointment; and declares that he will "certainly be more Cautious in future in tendering Any recommendations to your department." ALS. DNA, RG59, A. and R. (MR2).

From William Drayton, Washington. Quotes from a letter received from M. L. Hulbert, of Charleston, concerning an account, for §41.38, for "Articles furnished to the Land-office in East Florida at the order of Messrs. [Edward R.] Gibson & [William H.] Simmons, Commissioners," which, when sent "to Washington last winter," was returned with the notation "no appropriation." Inquires whether the account, upon being again presented, will be paid and, if not, what steps must be taken to obtain payment. ALS. DNA, RG59, Accounting Records, Misc. Letters. Hulbert, not further identified.

From Archibald Gracie, "Office of the Atlantic Insurance Coy of New York." Solicits "the interposition of the Government" in the matter of a claim against Mexico for the value of "the Brig Liberty" and cargo, insured by the Atlantic Insurance Company and seized in 1821 at Alvarado on charges of violation of a Mexican decree "prohibiting goods generally from Spanish ports." Though the vessel was restored, after a hearing by a Mexican tribunal, it was in such condition that it had to be sold at great loss. The ultimate fate of the cargo "is as yet unknown." LS. DNA, RG76, Mexican Claims Commissions, Claims Heard, 1825-1843, folder 19. The claim was allowed in full, with interest, by the American commissioners acting under the Mexican claims convention of 1839, but the umpire rejected the demand. Senate Docs., 25 Cong., 2 Sess., no. 1, pp. 41, 43; House Docs., 27 Cong., 2 Sess., no. 291, p. 55.

APPLICATIONS, RECOMMENDATIONS

February 7, 1826


S[AMUEL] H. Woodson solicits appointment to a judgeship, should the Federal judicial system be extended or a vacancy occur in the West. ALS. Ibid. (MR4).
February 8, 1826

On the bill to enlarge the judicial system, see above, Hammond to Clay, January 4, 1826, note. Woodson received no appointment.

INSTRUCTIONS AND DISPATCHES February 8, 1826

From George G. Barrell, Málaga. States "that the productions of our country do not come here, owing to the prohibitory system of this government, or the enormous and vexatious duties laid on almost every article of the growth of the United States." Adds: "The situation of Commerce is deplorable, and the present situation of the country at large in a most calamitous state. . . ." ALS. DNA, RG59, Cons. Disp., Málaga, vol. 2 (M-T214, R-T2). Received April 22.

From Alexander H. Everett, Madrid, no. 23. States that, apparently, no decision on "The great affair of America" has been adopted by the Council of State; expresses a belief that the "inclinations" of the Duke del Infantado "are now in favor of immediate peace"; but that, according to the Duke, the King (Ferdinand VII) takes "but little interest in the matter"; and reports that, with the approval of the Duke, he has written "a short French note of three pages" on the subject which is to be presented to the King. Comments that, since receipt of news of the fall of San Juan de Ulloa and of a projected attack on Cuba, there appears "a pretty good prospect" of bringing his negotiations on indemnities and commerce to a successful conclusion; encloses copies of "a project for a Commercial convention, with a short explanatory note," which, by invitation, he has presented to the Duke. Adds that the British Minister (Frederick James Lamb), who "has in general exerted himself very little in favor of the Americans" but has "lately conversed anew with the Duke upon that business," expects (without authority, Everett believes) an overture to himself, the French Ambassador (Clement-Edouard, Marquis de Moustier), and Everett "to undertake to convey propositions to the Americans." LS, with postscript in Everett's hand. DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Extracts published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2100-2103. Among the enclosures is a copy of a request by Everett to the Duke del Infantado for a copy of a Spanish decree of August 24, 1770, relative to the granting of lands in Louisiana. In another letter, also enclosed, Everett informs the Duke of the decision of the American Government not to make a new loan to (Hilario de Rivas y) Salmon and reminds him that the earlier loan has not been fully repaid.

The Marquis de Moustier, born at Coblenz, of Royalist parentage, had been educated at Stuttgart, had lived part of the revolutionary period in England, and, after returning to France with the Royalist forces in 1796, had filled minor diplomatic posts in various German States from 1800 to 1813. Following a period of retirement to private life, he had resumed his diplomatic career in 1820 as Envoy Extraordinary and Minister Plenipotentiary, successively, to Hanover and to Berne. He had been named Ambassador to Switzerland in 1824 and transferred to the post at Madrid in 1825.

From Robert Were Fox, Falmouth. Reports the case of an American sailor, picked up from a British packet after deserting his ship, who was surrendered when Fox showed papers; notes that the general commercial panic has hit the mines near Falmouth. LS. DNA, RG59, Cons. Disp., Falmouth, vol. 2 (M-T202, R-T2). Fox, a native of Great Britain, served as United States consul at Falmouth from 1819 to 1854. He was interested in scientific research, particularly on the internal temperature of the earth, and published numerous papers on the
subject. Noted also for adapting the steam engine for use in the Cornwall mines, he was one of the founders of the Royal Cornwall Polytechnic Society in 1833. In 1848 he was elected a Fellow of the Royal Society.

MISCELLANEOUS LETTERS

To ANDREW HULL, JR., Stratford (Connecticut). States that his commission as United States marshal for the District of Connecticut has been forwarded to (Pierpont) Edwards pending posting of official bond. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 268 (M40, R19). A copy of the letter of transmittal, Clay to Edwards, same date, is located ibid., pp. 267-68. Hull had been first appointed to this position in 1822, after previously serving (since 1813) as collector of the Third Collection District of Connecticut. He died in 1827. Edwards, born at Northampton, Massachusetts, the youngest child of the Reverend Jonathan Edwards, and educated at law, had begun practice in New Haven, Connecticut, in 1771 and had interrupted this career to fight in the Revolution. He had been a member of the Connecticut Legislature in 1777, 1784-1785, and 1787-1790, had actively supported the organization of the Jeffersonian Republicans, and had been named United States judge for the District Court of Connecticut in 1806.

APPLICATIONS, RECOMMENDATIONS

February 8, 1826

HENRY CRABB, Nashville, recommends John Haywood, a lawyer, known for his previous services in State judicial duties, to be appointed an "associate judge for the supreme court of this circuit." ALS. DNA, RG59, A. and R. (MR1). On the judicial vacancy, cf. above, Hammond to Clay, January 4, 1826, note. Haywood had been a judge of the Supreme Court of North Carolina from 1793 to 1800 and, having moved to Tennessee around 1807, had become a judge of the Supreme Court of the latter State in 1816. He held this position until his death in December, 1826.

WILLIAM CRAWFORD, Georgetown, solicits appointment as a bearer of dispatches to Europe; encloses recommendations (above, Thomson to Clay, October 21, 1825; Carnahan to Clay, October 24, 1825; Lee to Clay, November 6, 1825). ALS. DNA, RG59, A. and R. (MR1). Erroneously dated February 8, 1825. On the requested appointment, cf. above, Crawford to Clay, October 8, 1825, note.

ROBERT M. GOODWIN, Savannah, withdraws his application for appointment as marshal of Georgia; explains that he had not known John H. Morel sought re-appointment. ALS. DNA, RG59, A. and R. (MR2).

[ÉTIENNE] MAZUREAU, New Orleans, recommends Henry Carleton for appointment to the office of district judge in Louisiana, "should it become vacant either By the promotion or resignation of Mr [Thomas B.] Robertson." ALS, "Duplicate." Ibid. (MR1). See above, Mercier to Clay, February 6, 1826, note.


HENRY SCHUYLER THIBODAUX, New Orleans, recommends Henry Carleton as successor to (Thomas B.) Robertson, district judge; notes that he has "Some few
February 10, 1826

FEBRUARY 10, 1826

days ago” recommended (Alexander) Porter for the same position; states that either nominee would be acceptable. LS. DNA, RG59, A. and R. (MR1). Cf. above, Mercier to Clay, February 6, 1826, note.

Porter, born in Ireland, had come to the United States in 1801, resided in Nashville, where he studied law and was admitted to the bar in 1807, commenced practice at Attakapas, Louisiana, and removed in 1810 to St. Martinville. A member of the State constitutional convention of 1811, he served as a judge of the State Supreme Court from 1821 to 1833 and member of the United States Senate from 1834 to 1837. Thibodaux’s letter recommending Porter for the Federal judgeship had been addressed to Josiah (Stoddard) Johnston, on January 20, 1826. ALS, in DNA, RG59, A. and R. (M531, R6).

INSTRUCTIONS AND DISPATCHES

February 9, 1826

From John M. Forbes, Buenos Aires, no. 30. Reports “the establishment of a permanent National Executive in the person of His Excellency Don Bernardino Rivadavia—whose title, as established by law, is, ‘His Excellency Bernardino Rivadavia, President of the United Provinces of the River Plate.’” States that the “new organization renders it necessary” that he have new credentials, which he wishes to receive before the arrival of those for (Woodbine) Parish, the British Chargé d’Affaires. Continues on February 14 by stating that he encloses “Copies of sundry letters” and newspapers. LS (the addendum in his own hand). DNA, RG59, Dipl. Disp., Argentina, vol. 2 (M69, R3). Received April 22. Published in Espil (comp.), Once Años en Buenos Aires, 413-14; Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, I, 653. The enclosures include a protest by Forbes, directed to Admiral Rodrigo J. F. Lobo, against the Brazilian blockade of the coast of the Republic of Buenos Aires, and copies of letters exchanged by Forbes and George W. Slacum.

MISCELLANEOUS LETTERS

February 9, 1826

To George Read, Jr., “Attorney of the United States for the District of Delaware, Newcastle.” Encloses his commission for this office. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 268-69 (M40, R19). Read, who had commanded a militia company in the War of 1812, had been first appointed as Federal attorney in 1816 and retained the position until his death in 1836.

APPLICATIONS, RECOMMENDATIONS

February 9, 1826

James Johnson, Washington, applies “for a situation” in the Department of State; claims to be “a good French Scholar.” ALS. DNA, RG59, A. and R. (MR2). Johnson, not identified, received no appointment.

To John Williams

No. 1. John Williams, appointed Chargé d’Affaires of the United States, to the Federation of the Centre of America.

Sir, Department of State Washington, 10. February 1826.

You will proceed, in the United States Corvette John Adams, now
lying at Norfolk, to your post. On arriving there, the first object claiming your attention will be that of a Treaty of Peace, Amity, Commerce and Navigation which was concluded and signed by Mr Cañaiz, and me, on the 5th. December. 1825. It has been since ratified by the President, by and with the consent and advice of the Senate of the United States. By a provision in the Treaty, the ratifications of the two Governments are to be exchanged at Guatemala, within a period of eight Months from its date. The Treaty, as ratified by the President, accompanies these Instructions, and you will exchange it for the ratification of the Government of the Central Republic. The forms which are usually observed, and the certificate which is executed by the Ministers making the Exchange, accompany the Treaty, and will be pursued on this occasion, by you. No difficulty is anticipated as to the ratification of the Treaty at Guatemala.1 The negociation, of which it was the conclusion, was conducted in a spirit of great amity, and both the negociators appeared to be sensible that the Treaty was founded on the equitable basis of perfect reciprocity. Should circumstances, therefore, make it necessary, you will advert to that fact, and express the Presidents strong expectation that no obstacle will occur at Guatemala to prevent the consummation of an Act in which the interests of both parties are so carefully consulted.

I am your obedient Servant.— H. Clay.

Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 5-9 (M77, R6). AL draft, in DLC-HC (DNA, M212, R7). Except for the two following changes, this document is the same as that, above, addressed to William Miller, April 22, 1825; the material here published was inserted after the first paragraph, and the last two paragraphs of the letter to Miller were deleted.

1 On the ratification of the treaty, see below, Williams to Clay, August 3, 1826.

INSTRUCTIONS AND DISPATCHES

February 10, 1826

From Thomas L. L. Brent, Lisbon, no. 15. Encloses a copy of another letter he has written in reply to (Frederico) Torlade's communication of January 31 (see above, Brent to Clay, February 5); encloses a copy of “the Treaty referred to by Mr. Torlade between Great Britain and the Hanseatick Cities” (above, Brent to Clay, February 5, 1826). Reports that both the King (John VI) and the Minister of Foreign Affairs (the Count of Porto Santo) have inquired “about the sending of Ministers by the United States to the Congress of Panama” and that his reply “was that they had resolved to do so.” Acknowledges receipt of Clay's dispatch of December 31, “respecting the brig Osprey's cargo,” and states that he has informed the Foreign Minister of his instructions relative to the Osprey and has asked “the agent of the owners I[sra]el P[emberton] Hutchinson” for information on the case. LS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received April 20. In the enclosure Brent argues more fully against the principle of restricting trade by granting most-favored-nation preference to one nation over others in Portuguese ports. He cites, specifically, the advantages which might accrue in developing a new market for Portuguese
wines in the United States, “did a liberal spirit prevail between the two Coun-
tries receiving the productions of each paying the same duty as like articles the
produce of the most favored Nation. . . .”

**MISCELLANEOUS LETTERS**

February 10, 1826

From Willis Alston, “Chamber of H. R.” Encloses a letter (not found) from
one of his constituents, to whose request he wishes attention. ALS. DNA, RG59,
Misc. Letters (M179, R64). Endorsed in strange hand: “authentication.” Alston,
a North Carolina planter, had been a member of the State legislature (1790-
1792, 1794-1796, 1820-1824), had sat in Congress from 1799 to 1815, and now
had returned to Congress, serving from 1825 to 1831.

On February 11, Daniel Brent, “The Secretary being absent from indisposi-
tion,” replied to Alston that inasmuch as the Department was “officially un-
 acquainted with the fact of Mr. Eppes’ being the Clerk” of Halifax County,
North Carolina, it would be contrary to practice “to authenticate his signature”
on the naturalization certificate. Copy, in DNA, RG59, Dom. Letters, vol. 21,
p. 269 (M40, R19). Eppes not further identified.

From Joshua Bond, Buenos Aires. Reports his intention to return to his “post
at Montevideo by the earliest opportunity. . . .” ALS. DNA, RG59, Cons. Disp.,
Montevideo, vol. 1 (M71, R1). Received April 22.

**APPLICATIONS, RECOMMENDATIONS**

February 10, 1826

Joseph Hemphill, House of Representatives, transmits a letter of recommenda-
tion, by (Joseph Parker) Norris, president of the Bank of Pennsylvania. ALS.
DNA, RG59, A. and R. (MR2). Endorsed on verso by Clay: “Mr Hemphill—
Mr. Norris. {Recommendation of Mr. Rodney Fisher to be consul at Canton}.”
Norris, a Quaker, had been president of the Philadelphia bank for many years.
Fisher did not receive the appointment requested.

Joshua Lewis, New Orleans, recommends Henry Carleton as United States
district judge in the event that (Thomas B.) Robertson resigns. LS. *Ibid.*
(MR1). Cf. above, Mercier to Clay, February 6, 1826, note.

From John N. Moulder


The committee appointed in pursuance of a resolution of the Grand Lodge of the District of Columbia, to make arrangements for the masonic celebration of the approaching anniversary of the birth day of Washington, have unanimously resolved to solicit you to read, and to accompany it with such remarks as you may deem pertinent to the occasion, the Farewell Address of that illustrious individual & brother, on his retirement from public life—as a part of the ceremonies of the day.

Permit the committee to add that (there can be no doubt) your compliance would be alike gratifying to them, to the masonic fra-
ternity at large, and to those of our fellow-citizens who may be present at the exercises of that day.

By order of the Committee,

JNO. N. MOULDER
Grand Master and Chairman of Committee

Teste, Edward S: Lewis,
Secretary

Brother The Hon: H. Clay.

LS, in hand of Edward S. Lewis. DLC-HC (DNA, M212, R2). For over a decade Moulder had served as a clerk in various offices of the Government, first in the War Department and at least since 1820 in the Second Comptroller's Office of the Treasury. From 1833 to 1839 he was chief clerk of the latter office.

INSTRUCTIONS AND DISPATCHES

February 11, 1826

FROM HENRY MIDDLETON, St. Petersburg, no. 55, "private & confidential." States that the event of "the 14th. of last month" (see above, Middleton to Clay, January 2, 7, 1826) was at first believed to be "merely a misunderstanding among the Military," but "Subsequent discoveries have proved that the cause lay deeper than was at first apparent." Notes the necessity for reform "throughout the State" but points out that "such is the besotted ignorance prevailing throughout the great mass to whom the physical force belongs, & so glimmering is the intelligence possessed by those who domineer over it, that a struggle between these classes would be truly disastrous in its consequences . . ." Cites "a general belief" that Alexander I had contemplated introducing reforms, but he had never found "the times" propitious. Comments: "He seems to have been kept in a constant state of alarm by the news of Carbonaro-plots or insurrection abroad," while, at the same time, "He had known for several years that secret associations were at work organizing revolt in his dominions." Discusses a conspiracy, which, though discovered shortly before Alexander's death, attempted to take advantage of the interregnum and was responsible for the "demonstrations" of "the 14th. Ultimo." Refers to another incident in which a town near Kiev was pillaged and a "Slavo-Russ-Republic" proclaimed and encloses documents relative to it. Reports "a Court of Enquiry" at work; predicts that "no punishment will take place, untill [sic] all the confrontations shall be over," and then punishment will follow for "all who have in any way exhibited symptoms of discontent." Conjectures "that the young Emperor [Nicholas I] will be appalled at the apparent danger & difficulty of" attempting reforms. Expresses beliefs that "the doctrine of Absolutism" will continue to prevail, that the nobility will "bear with the autocracy placed above it, in order to enjoy the benefits of the Servage beneath it," and that, if Russia can maintain internal peace, her influence abroad "must depend upon the will backed by the ability of those who shall be placed at the head of a nation possessing such vast resources." ALS. DNA, RG59, Dip. Disp., Russia, vol. 10 (M35, R10). Dated: "30th Jany (0. S.) 1826." Received May 24.

MISCELLANEOUS LETTERS

February 11, 1826

From S[AUEL] L. S[OUTHARD], Navy Department. Acknowledges receipt of "the letter of Doct. H." (not found, probably from Samuel D. Heap), referred by Clay
to the Navy Department; states that it has been placed on file. Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 165.

From ISRAEL THORNDIKE, Boston. Calls attention to his claim on the Russian Government in the case of the Hector. LS. DNA, RG76, Misc. Claims, Russia.

APPLICATIONS, RECOMMENDATIONS February 11, 1826

HENRY TOLAND, Philadelphia, "presuming on . . . old acquaintance and friendship," introduces Robert R. Stewart, who "has for some time resided at Trinidad, in the Island of Cuba, and is desirous of receiving the appointment of Consul or Commercial agent for said port." ALS. DNA, RG59, A. and R. (MR3). See above, Stewart to Clay, July 26, 1825.

APPLICATIONS, RECOMMENDATIONS February 12, 1826

GEORGE H. RICHARDS, Washington, solicits employment as dispatch bearer, preferably to London, where he has "an errand of business." Notes that he has resigned his "Situation in the Treasury Department; . . . with the continued friendship of Mr. [Richard] Rush." Cites his support of "the measures of the present administration"; lists Rush, (Samuel L.) Southard, (Gideon) Tomlinson, and Clay himself, as references; expresses belief that his appointment would be approved by the Connecticut congressional delegation; and comments: "Indeed Connecticut may well be a little Sensitive as to the present distribution of official favours." ALS. DNA, RG59, A. and R. (MR3). Richards, who had been employed as clerk in the office of the Secretary of the Treasury from July 1, 1822, to the end of January, 1826 (excepting the summer and fall of 1823), did not receive the appointment here requested.

To [Peter] Force

13 Feb. 1826.

Mr. Clay's Compliments to Mr. Force, and he will be obliged to him to have 200 more cards of invitation printed like the inclosed, & sent to Mr. C. tomorrow.

AN. DLC-HC (DNA, M212, R2). Addressed: "Mr. Force Edit. of the Nat. Journal."

From James Brown

My dear Sir, Paris Feby 13. 1826

Mrs. Brown has written to Mrs. Clay by this opportunity and has given her all the family news which can interest her. I have Sent you the files of papers containing the Kings Speech,¹ the answers by the two Chambers the Convention between Great Britain and France² and the Draft of the law on the Indemnity to the Antient Inhabitants of St Domingo with the Speech of Mr de Villele on introducing it.³ You will perceive that provision is made for such
of the Claimants as reside in the United States, and that two years from the promulgation of the Law will be allowed them to prove their rights. As the Ministry are believed [sic] to have large majorities in both Chambers I think it probable that the law will pass without any material alteration. I shall watch its progress and give you from time to time the necessary information on the subject. The proposal to establish the right of promogeniture [sic] and Entails [sic] created considerable dissatisfaction [sic], and it is believed that the fear of a formidable opposition to it, induced Ministers to present it in the diluted form in which you see it, in order to render it more palatable, and intending to increase the dose at the ensuing Session. Our old friend Hyde de Neuville is considered as one of the most violent in the opposition and will perhaps serve the Ministry by the indiscreet ardor of his attacks. Mr de Chateaubriand in the Chamber of Peers is also very strenuous in his opposition to the present Ministry, and has written some very remarkable pieces for the Journal des Debats which have excited much attention and are worthy of your perusal. The minority will be stronger than it was at the last Session. It has lost a great deal in the death of Genl Foy who was a Man of great abilities, great firmness and who possessed the talent of speaking with force and facility on all occasions.

The Chamber of Peers will in a few days form a Court for the trial of Guillemenot, Bourdesoult &c. who are accused of having received large sums of money in conjunction with Ouvrard a Contractor for the Army of Spain. This affair is spoken of as a most corrupt transaction by which France has lost several Millions of Francs. It is feared that the name of a high personage of whose integrity no doubts can exist will have been so connected with the transaction as to make the investigation one of peculiar delicacy and difficulty. It is said that Genl Guillemenot has been recalled from Constantinople to meet this investigation.

The Greeks continue to defend themselves with uncommon resolution and no fears of their yielding this winter exist anywhere. It is believed that the Emperor Nicholas will be compelled to yield to the inclination of his army and to commence a war against the Turks. The Duke of Wellington has gone to St Petersburg, for the declared purpose of complementing [sic] the Emperor on his accession to the throne but for the real purpose as some suppose of diverting him from commencing hostilities against Turkey. England is very far from being in a situation to make war, and consequently will use all her influence to preserve peace— In France the finances are flourishing and no pecuniary embarrassments similar to those existing in England have been felt. The debt of the Nation how-
ever is considerable and peace is desirable [sic] although war is not so much to be dreaded by France as by England. The manufactures of this Country are improving daily, and England will find dangerous competitors in the French Manufacturers should this Country acknowledge the Independance [sic] of the New American Republics and establish friendly relations with them.

I am Dear Sir with sincere regard Yours &c & — JAMES BROWN
Honb Henry Clay.

ALS. DLC-HC (DNA, M212, R2).

1 At the opening of the Session of the Chambers, January 31, 1826. Published in Annual Register, 1826, pp. 225-26.
2 See above, Brown to Clay, January 13, 1826, note.
3 See above, Holden to Clay, July 16, 1825, note. The law, as enacted, was published in the Washington Daily National Intelligencer, August 10 and 19, 1826, and the Washington Daily National Journal, August 19, 1826.
4 The Peers, rejecting the “decided manner” of the King’s recommendation for primogeniture, agreed to adopt only such measures as “would not restrain parents in the disposal of their property.” Quotation from the response of the Chamber of Peers to the address from the throne, in Annual Register, 1826, p. 227.
5 François Auguste René, Viscount de Chateaubriand.
6 See above, Brown to Clay, December 12, 1825, note.
7 Count Armand-Charles Guilleminot and Count Étienne Tardif Bordesoulle, French generals whose military careers spanned the period from the revolution, through the Napoleonic wars, to the French expedition of 1823 to Spain (above, III, 313n), had both been raised to the peerage after the last campaign. Guilleminot had then been named Ambassador to Turkey, which position he held until 1827 and again from 1829 to 1831. Because of the rumored involvement of two of its own members, the French Chamber of Peers conducted the investigation into the charges of fraud growing out of the commissioning of the French expedition to Spain. The Court of Peers ruled that no grounds existed for action against either Guilleminot or Bordesoulle. Proceedings against Gabriel-Julien Ouvrard, French financier, who had held the contract for outfitting the expedition, were also later dropped; but Ouvrard at this time suffered personal financial reverses which led to his imprisonment for debt for the next five years.
8 Cf. below, Middleton to Clay, June 13, 1826.

From Joel Barlow Sutherland

Dr Sir Harrisburg Feby 13th 1826

I should be glad to hear how the Panama Question looks at Washington. It was thought, that long before this time the Senate would have disposed of the subject. The Opposition paper here & Mr. Norvell1 say that it will not pass the House of Representatives of this State. If it is worth attending to I am confident I can get it through notwithstanding what they say. I had supposed that the vote of the Senate2 would have been sufficient with Genl Marks & Govr Findlay.3 Indeed I feel confident it will be enough for them. I sent them the printed yeas & nays & they are so competent to Judge from the names forwarded, that it is a matter seriously examined by us that I know they will vote for the Panama Mission when the question comes up. I write thus however, without having heard from them.

It is the wish of the people of Pennsylvania beyond all question. It
would be well to advise me, from time to time how it looks as far as it can be ascertained in the Senate. I trust however before this reaches you, all will be in such a train as to require no farther assistance from us. If upon the whole, you think we should get the vote of the other Branch of the Legislature I will set about it, and use my feeble exertions in favour of a Mission, called for by the best feelings of the Democratic Party. When I returned from Washington, I spoke to the Editors here, and said I would prepare them an article in favour of the question at Washington. But after more deliberate and personal examination & consultation I found it would be best to present the Resolution. Out of all the Democrats with whom I spoke only one flew the course. The subject has been partially attended to by me in the Other House, & I know it can (if the Mission still remains uncertain in the Senate,) be carried there. If you should think proper to say anything, it is not prudent to frank the letter. The Postage is paid by the State, of letters read by me. I send you the Report of our Canal Commissioners. The Chesapeake [sic] & Ohio Canal bill has passed both branches of our State Legislature. In the House of Representatives they are busily engaged upon the bill relative to Slavery which has been introduced in consequence of the Visit of the Maryland delegates to Harrisburg. There are various reasons why this letter should not be talked of or shewn to any one.

A paper has been sneaking through the Senate & House of Representatives in favour of Mr Markley to fill Genl Steele's place. A gentleman here handed it about, and without knowing anything about Mr Markley with the exception of about 5 Senators & 6 Representatives, 20 names have been obtained. As soon as the thing was heard of, it was arrested & one member struck his name from it and others called upon a gentleman who held it, for the purpose of striking out their names, but it was said the paper was not in Harrisburg. My own opinion is that if, the paper, could be reached not more than ten members of both House [sic] out of 133 would suffer it to leave the town with their names. I met in one cluster, 4 gentlemen who said, they had signed it without due consideration and that they would like to erase their names. I know that you are friendly to Mr Markley, but I nevertheless write this to you in confidence, because it is my wish that you should commit no flagrant errors in your appointments as to this state. I need not again add, tha[t] this is for your own eye.

Yours Respectfully J B SUTHERLAND
H Clay Esq Secy of State.

ALS. DLC-HC (DNA, M212, R2). Right margin of last page obscured.

1 Probably the Harrisburg Chronicle; John Norvell.
2 See above, Cameron and Krause to Clay, February 6, 1826, note.
3 William Marks; William Findlay. Marks, United States Senator from Pennsylvania
(1826-1831), was a Pittsburgh lawyer. He had held several local offices, had been a member of the State House of Representatives (1810-1819), had commanded the State militia in 1814, and had sat in the Pennsylvania Senate (1820-1825).

4 In April, 1825, the Pennsylvania Legislature had passed a bill establishing a commission of five members to take the necessary steps to establish a water route across the State. The Report of the Canal Commissioners of Pennsylvania, Read in Senate, February 7, 1826 (Harrisburg, 1826), discussed the various routes for navigation between the Susquehanna and Allegheny Rivers.

5 The Pennsylvania Legislature, noting the action taken by Virginia on January 27, 1824, to incorporate the Chesapeake and Ohio Canal Company, had assented to the measure but only under stipulations relating to terminal connections, bridge construction, toll charges, and other business arrangements. Washington Daily National Intelligencer, February 11, 1826.

6 On February 2 Governor J. Andrew Shulze had presented to the Pennsylvania Legislature the credentials of delegates sent by the Legislature of Maryland "for the purpose of procuring such aid by legislative provisions or otherwise as may be most effectual for the recovery of persons bound to, or owing service or labor to citizens of Maryland, who have heretofore absconded, or shall hereafter abscond or flee from Maryland into the state of Pennsylvania." In consequence, a Pennsylvania statute was adopted, signed by the Governor on March 25, "to give effect to the provisions of the constitution of the United States relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping." Penna. Senate, Journal, 1825-1826, pp. 282-84, 522.

7 John Steele, collector of the port of Philadelphia, was in ill health but retained his office until the end of the year. Philip S. Markley did not receive the appointment as his successor.

INSTRUCTIONS AND DISPATCHES

February 13, 1826

From Andrew Armstrong, Port au Prince. Reports the case of the schooner Ductile, of New York, turned away at Port au Prince because it had previously landed (in distress) at Bermuda; states his belief that the President, (Jean Pierre) Boyer, acted in spite because the British had just named a consul general to Haiti and the United States has no accredited diplomatic agent there. Encloses a copy of his note of protest. ALS. DNA, RG59, Cons. Disp., Cap Haitien, vol. 1 (M9, R-T5).

From James Brown, Paris, no. 46. Notes that, under "The late treaty of navigation between France and Great Britain" (cf. above, Brown to Clay, January 13, 1826), France has applied to British vessels "that principle of the British navigation laws, by which merchandise can be imported by no other vessels than those of the country of which the merchandise is the produce, and only from the country which had produced it," which will have the effect of preventing "British vessels . . . from bringing the produce of our country to France, or any vessel bringing it from Great Britain to France, for consumption." Adds that France, in consequence of other articles of the treaty, has opened the trade of Martinique and Guadeloupe "to the vessels of all nations, under certain limitations," and that the new regulations will "diminish the trade, which, under the indulgence of special proclamations by the Governors, has of late years, been enjoyed by the United States with those colonies." Reports that a bill to distribute "the indemnity to the ancient colonists of St. Domingo, has been presented to the chambers" (see above, Brown to Clay, this date). Encloses issues of the Moniteur which contain copies of the documents mentioned. LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received April 9.

From Alexander H. Everett, Madrid, no. 24. Encloses a copy of his "short Memoir" (see above, Everett to Clay, February 8, 1826), on "the danger of any further delay in recognising [sic] the Colonies," which the Duke del Infantado
has presented to the King (Ferdinand VII) and proposes submitting to the Council (of State); expresses a belief that the Duke and the King have come to a decision concerning the war with the American Republics “and that the only thing now remaining to be done, is to make the necessary preparations in the Councils of State and of Ministers for the publication of their decision.” Reports that he has informed the Duke that the United States, though refusing to engage in a joint guarantee of Cuba to Spain, would rather see the islands (of Cuba and Puerto Rico) in Spanish hands “than in those of any other foreign power whatever,” that an attempt to procure the mediation of the other powers of Europe (in arranging peace between Spain and her former colonies) “would necessarily be productive of delay,” that the good offices of the United States “might be had without any delay whatever,” and that “the first proposition should be made” to Colombia and Mexico. Encloses a copy of his note to the Duke summarizing these observations. Notes that the British Minister (Frederick James Lamb), who believes Spain wishes “to employ the mediation of the holy Alliance, as well as that of the maritime powers,” has been informed that “the Russian Minister [Pierre d'Oubril] had communicated with the Duke upon this subject, but he did not exactly know what had passed.” States that, before presenting his note of January 20 (see above, Everett to Clay, February 3, 1826, note), he had consulted D'Oubril, who “was then of opinion that it would be inexpedient to make a communication of that kind” and that, in consideration of their different views of the matter, he has “not thought it worth while . . . to converse much with him [D'Oubril] about it” but proposes to call on him “to day or tomorrow.” LS. Ibid., Spain, vol. 25 (M31, R27). Received April 6. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2103-2106.

From Rufus King, London, no. 22. Reports the rejection by (George) Canning of the sum proposed by King as acceptable to the United States for “a compromise respecting the indemnity awarded by the Emperor of Russia” (cf. above, King to Clay, January 20, 27, February 4, 1826) and the reception of a “Note of Mr. Canning of the 7th Instant, putting an end to all further negotiations here, and transferring the whole subject to Washington.” Asserts that “The termination of the Negotiation here, must have been meditated, with how much candor need not be said, from the beginning,” and that “it now as clearly appears, . . . that it never had been the intention of the British Government to compromise the Question of the just indemnity awarded by the Emperor of Russia; but on the contrary, to maintain in the fullest extent the construction and course adopted by their Commissioner [George Jackson] in denial of the same.” Forwards Canning’s note. LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received April 4. In the enclosure, Canning states his expectation that “further Scrutiny by the Board into the Validity of the claims advanced” will reveal that “many will be found deficient,” thus reducing the total “to a comparatively small Sum,” so different from that proposed by King “as to leave Scarcely a possibility of arriving at any accommodation”; he adds that the question “of interest on the arrears of the ‘just indemnification,’ awarded by the Emperor of Russia . . . is a matter entirely Separate from the ‘Indemnification’ itself, a matter which was not referred to the Arbiter”; and he states that (Charles R.) Vaughan will be instructed “to declare to the American Government, that the demand of interest on arrears of Monies awarded under the Commission, not being Sanctioned by any thing which is contained in the Convention of Arbitration, cannot be admitted by His Majestys Government.” Cf. above, Clay to King, May 10, 1825.
February 14, 1826

MISCELLANEOUS LETTERS

From Willis Alston, "Representative Chamber." Reports that he has received a letter from Daniel Brent, in reply to one addressed to Clay (above, February 10), and comments that if Brent had informed him what evidence was required, he "might have provided it." ALS. DNA, RG59, Misc. Letters (M179, R64).

From Fielding Lucas, Jr., Baltimore. Reports forwarding "by waggon" a box containing "25 Copies Laws of the United States in Calf binding with double titles in red morocco." Requests payment. ALS. DNA, RG59, Accounting Records, Misc. Letters. Lucas, born in Fredericksburg, Virginia, had learned his craft in Philadelphia and in 1804 had removed to Baltimore, where he had quickly become noted as a map-maker, publisher, and bookseller. On February 23, 1826, the State Department paid $502.43 to Lucas for the above volumes. House Docs., 20 Cong., 1 Sess., no. 226, p. 39.

DIPLOMATIC NOTES

From Baron Tuyll, Washington, "Private & confidential." Encloses a dispatch, "just received," which he wishes returned "after its perusal by the President," confirming the death of the Emperor (Alexander I). AN. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1).

INSTRUCTIONS AND DISPATCHES

From Richard C. Anderson, Jr., Bogotá, "No. 34 [sic]." Acknowledges receipt of Clay's letter of November 25 (1825) and states that, in expectation of "a farther communication," he holds himself "in readiness to execute the wishes of the President." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received April 11.

From John J. Appleton, Naples. Reports that he has forwarded "a full account" (not found; cf. below, Clay to Appleton, June 8, 1826) of his efforts to carry out the mission confided to him (see above, Clay to Appleton, May 12, 1825); summarizes the negotiations between himself and the Chevalier de Medici; and encloses copies of notes exchanged with that official. Hopes that this information, and that in his "principal report," will enable "the Government... to adopt suitable measures for the establishment of our rights against Naples"; asserts a belief in the validity of the claims but doubts "that they can be established by the mere force of reason." Declares that "Nothing of importance will be effected until a Negotiator can come here, armed with the fixed purpose of his Government to redress itself, if in a given time, appeals to principles of justice prove ineffectual—their maxim is that 'they are always in time to pay.'—The character of the King [Francis I] and Nation, will not however, render an actual resort to force necessary. The threat will be all sufficient—if they see that its execution is at hand." Admits a consciousness of his inability to cope with the "resources here, of talent, subtlety [sic], and skill, which will furnish ample employment to our most gifted and accomplished statesmen" and suggests that he be removed to "some other post of less oppressive responsibility." Praises (Alexander) Hammett, "who by his talents, and character, truly respectable, does credit to the country he represents." ALS. Ibid., Sweden and Nor-
way, vol. 5 (M45, R-T6). Received May 20. Published in Senate Docs., 22 Cong., 2 Sess., no. 70, pp. 10-14.

From John M. Forbes, Buenos Aires, no. 31. Notes that he closed his dispatch no. 30 (above, February 9) hurriedly and now adds “some few lines by way of explanation of the various enclosures sent in” it. He has written a letter to Admiral (Rodrigo José F.) Lobo in behalf of masters of two American ships (Pullen of the Mohawk and John Boddily of the Grace Ann), “who broke the blockade” and who were threatened with “heavy corporal punishment” by the admiral, “a most violent man.” Lacking instructions, which he had hoped would arrive on “a Sloop of War,” he has submitted to the admiral a protest against the abuses of the blockade. Expects his protest to create a stir there, “particularly among the English, who, on one hand, are calling out for resistance on the part of Mr. [Woodbine] Parish, and, on the other, excusing him by admitting the fact known to all, that ‘England is the Mother of abuses and must be Silent.’” Encloses copies of the documents mentioned, and others, and states that a copy of his protest is being sent to (Condy) Raguet. Reports the formation of a new ministry, which includes General Francisco de la Cruz as Minister of Foreign Affairs. LS. DNA, RG59, Dip. Disp., Argentina, vol. 2 (M69, R3). Published in Espil (comp.), Once Años en Buenos Aires, 414-16. On the case of the Grace Ann, see below, Raguet to Clay, March 20, 1826. The Mohawk and the two shipmasters have not been further identified.

Francisco de la Cruz had held office as Minister of War and Navy in 1824 but had resigned in 1825 because he thought the Government indecisive in the face of Brazilian threats. With the assumption of the Presidency by Bernardino Rivadavia (above, Forbes to Clay, February 9, 1826), Cruz, his long-time supporter, accepted new appointment.

From Robert Monroe Harrison, Antigua. Warns that American vessels coming into this colony are likely to be subjected, by the collector of the customs, to questioning of “the legality, or correctness of the certified lists of crew,” for the purpose of encouraging desertion; adds that there is no law here to compel deserters to return to duty. His earlier letters to the Department of State on this subject “have never been acknowledged. . . .” Cites a change in the method of remuneration of the collector, which relieves him from the necessity of encouraging American vessels to come here. Complains that he himself is “barely tolerated” and expresses a hope that in future negotiations with England, the United States will stipulate that consuls in the colonies be accorded the same treatment as those in Europe. Adds that British warships still compel American shipmasters to give up to them sailors who say they are Englishmen. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received March 16.

From Condy Raguet, Rio de Janeiro, no. 6. Discusses several resignations from the ministry, including that of St. Amaro, who has been succeeded by the Viscount of Inhambupe in “the Foreign Department.” Notes that the frigate that conveyed (Thomas) Cochrane to England has returned without him, that Brazil has appointed Theodoro Joze Biancardi, chief clerk of the Home Department, as envoy to the Panama Congress, that diplomatic representatives have been sent to Chile and Paraguay, and that small detachments of troops have “sailed for the South.” Reports that the Emperor (Peter I) has gone to Bahia and that “no official notice of the ratification of the Treaty with Portugal, has been published, owing to the most extraordinary wild goose chase,” involving Sir Charles Stuart, who arrived shortly after the Emperor left. Believes that the
President's (Adams') failure to mention, in his message of December 6, "the affairs of Brasil, and Sir Charles' [sic] Stuart's treaty [between Portugal and Brazil--see above, Raguet to Secretary of State, March 11, 1825, note], will produce great, but . . . wholesome mortification. . . .” States that he has not renewed "The proposition for the mutual abandonment of discriminating duties," as he had planned, because he did not expect success and has received no answer to his letter (to Clay) of November 12. Asserts that, "Since the declaration of war [by Brazil], against The United Provinces," his house has been put under special police surveillance. Encloses sundry documents relating to local politics. ALS. DNA, RG59, Dip. Disp., Brazil, vol. 4 (M121, R6). Received April 8. Extract published in American State Papers, Foreign Relations, V, 920. 

Antonio Luís Pereira da Cunha, Viscount, later Marquis, of Inhambuípe, had held a number of provincial governmental positions prior to coming to Rio de Janeiro in 1815. There he had served as an adviser to the Treasury and in 1821 as head of the State police. After Brazil achieved independence, he received the titles of nobility and held important governmental positions under several ministries. Biancardi, not further identified, was never sent on the mission, though named a plenipotentiary. Joseph Byrne Lockey, Pan-Americanism: Its Beginnings (New York, 1920), p. 313.

MISCELLANEOUS LETTERS

February 14, 1826

To John Pegram, Dinwiddie Court House (Virginia). States that a commission appointing him marshal for the Eastern District of Virginia has been sent to (George) Hay, pending filing of official bond. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 217 (M40, R19). Clay’s letter to Hay, at Richmond, bears the same date. Copy. Ibid., p. 270. A copy of the letter of transmittal, Clay to Hay, February 14, 1826, is located in ibid. Pegram acknowledged receipt of the commission on April 26, 1826. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). On Hay’s appointment to the judgeship, see below, Clay to Hay, April 10, 1826, note.

From Romulus M. Saunders, “Repres. Hall.” Inquires “(as a member of the Committee on Mr. [James] Monroe’s claim)” whether the (State) Department files contain "any letter from Mr. M. . . . signifying his relinquishment to an outfit in consequence of the extra expences [sic] incurred [sic] by the Frigate in which he went passenger to France in 1803.” ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Ingham to Clay, January 25, 1826.

To John Quincy Adams

15 Feb. 1826

I have just learnt that the Senate has exhausted the day on a resolution respectfully asking your opinion whether the Panama papers may not be published, without detriment to the public interest, and whether they may not discuss the question of the mission with opened doors.¹ I may not quote its terms correctly, but I am not mistaken as to the object. The resolution passed (23 to 19) two or three of the friends of the Administration, from false delicacy, having voted with its known opponents.
My impression is, and I submit to you, whether it is not best, that the Senate should be remitted back to its own judgment and responsibility. The resolution is, I believe, without precedent. It asks your opinion on matters before the Senate. And if you were to give it, they would be more likely to abuse you for it than to respect it. I understand that it was the general expectation that you would decline deciding the point for the Senate.¹ Mr. V. Buren brought forward the resolution. My indisposition prevents me from personally calling on you. I will have that honor tomorrow.

I am Your ob. Servant

H. Clay

The President

ALS. MHi-Adams Papers, Letters Received (MR474).

¹ On this date the Senate had adopted, by a vote of 23 to 20, resolutions to the effect here stated. U. S. Sen., Journal, 19 Cong., 1 Sess., Appendix, p. 441.

² In a note dated February 16, Adams replied that his communications relating to the Congress of Panama had been made "like all other communications upon Executive business, in confidence, and most of them in compliance with a resolution of the Senate requesting them confidentially. Believing," he continued, "that the established usage of free confidential communication between the Executive and the Senate, ought, for the public interest to be preserved unimpaired, I deem it my indispensable duty to leave to the Senate itself the decision of a question, involving a departure, hitherto, so far as I am informed, without example, from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide." U. S. Sen., Journal, 19 Cong., 1 Sess., Appendix, p. 450. The Senate accordingly continued the discussions in secret session.

Receipted Bill from Thomas Curry

Lexington Feby 15th. 1826.

Hon. Henry Clay To Thomas Curry Dr.

To your subn. to the Western Monitor, Semi Weekly

from June 15. 1824. to Oct. 1. 1824. 3½ Mo @ $5 P year— $1.50.

" Same for Weekly paper from Oct 1. 1824 to April 15. 1825 6½ Months @ $3 P year—" 1.63

Reed Payment of R. Scott. $3.13

THO CURRY

ADS. DLC-TJC (M212, R16).

DIPLOMATIC NOTES

February 15, 1826

From Joaquim Barrozo Pereira, Washington. Informs Clay that the King of Portugal (John VI), now titled "Emperor of Brazil and King of Portugal and Algarves," has recognized the independence of Brazil, under his son, Dom Pedro, as Emperor (cf. above, Raguet to Secretary of State, March 11, 1825, note). ALS. DNA, RG59, Notes from Portuguese Legation, vol. 2 (M57, R2). Pereira, consul general of Portugal, had been named Chargé ad interim in 1822 and had again acted in that capacity since 1824. The date at which his accreditation terminated became controversial because of the conflicting appointments by rival dynastic claimants in Portugal after 1828. The United States Attorney General subsequently ruled that Pereira was recognized until October 2, 1829. House Docs., 31 Cong., 2 Sess., no. 55.
February 15, 1826

INSTRUCTIONS AND DISPATCHES

From John M. Forbes, Buenos Aires, no. 32. Encloses a newspaper carrying (Bernardino) "Rivadavia's inaugural Speech and many Contemporaneous acts of the Government," including a proposal "for forming a National Capital," similar to the District of Columbia. Expresses doubt that the proposal will be adopted and fear that it will excite "certain and deep" hostility against Rivadavia, because it "destroys the whole influence of this Province, by taking out the heart of it, nationalizing the wealth of the city and environs, and leaving the long reigning Province among the poorest of the family." LS. DNA, RG59, Dip. Disp., Argentina, vol. 2 (M69, R3). Received (April) 22. Published under date of February 18 in Espil (comp.), Once Años en Buenos Aires, 416.

From John Mullanxy, Tangier, no. 43. Acknowledges receipt of Clay's letter of October 22; offers justification of his expenditures; points to the respect and influence he enjoys on behalf of the United States; warns that the limitation imposed on the expenses of his consulate places him in a difficult situation; and encloses documents relative to the expenditures of his predecessor. ALS. DNA, RG59, Cons. Disp., Tangier, vol. 4 (M-T61, R4). Received May 20.

From William Shaler, Algiers, "Private." Acknowledges receipt of Clay's letter of August 29 (not found); states that, although he did not regard "the paper" (not found), bearing Clay's signature, shown to him by "Mr. Evans," as a letter of credit, he "advanced him [Evans] the small sum in question with great reluctance from a conviction that he was engaged in a vain pursuit, and . . . [he has] regretted it still more since as money thrown away." Refers to his own bad health and requests a continuance of the "discretionary permission" granted him to leave his post at will, if, in his opinion, his absence would cause no injury to the public service. Expresses pleasure at Clay's "friendly recollection of our acquaintance." Adds: "To wish prosperity and happiness to a man, of your genius and character is, I firmly believe more than the duty of a good citizen: I do it also most sincerely as a personal friend." ALS. Ibid., Algiers, vol. 11 (M23, R-T13). Reference is made, probably, to Briton Evans (cf. above, Evans to Clay, December 30, 1825).

MISCELLANEOUS LETTERS

To Thomas P. Devereux, Raleigh. Forwards his commission as United States attorney for the District of North Carolina. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 272 (M40, R19). In a letter to Clay, February 22, 1826, Devereux acknowledged receipt of the commission. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Born in North Carolina, graduated from Yale, and trained as a lawyer at Litchfield, Connecticut, Devereux had been first appointed Federal attorney for North Carolina in 1822. He retained the position through the Adams and Jackson administrations but from 1826 served also as reporter of the North Carolina Supreme Court. Following retirement to his plantation around 1840, he published several volumes of reports of the North Carolina courts.

To [William McIlvaine,] "Cashier of the Bank of the U. S. Philadelphia." Requests payment, from "the proceeds of the Bill upon Colonel [Leandro] Palacio," of $6,500, with interest, to "Joseph E. Read, for himself, and as Attorney in fact of the other Owners of the Schooner Minerva. . . ." Copy.
DNA, RG59, Dom. Letters, vol. 21, p. 271 (M40, R19). McIlvaine had been named cashier of the Philadelphia branch of the bank at the beginning of this year and remained in that office until July, 1832. On the Minerva claim, see above, Keith to Clay, March 11, 1825, note; Anderson to Secretary of State, March 18, 1825.


FROM FREDERICK FOLLETT, Batavia (New York). Requests payment for publishing the treaty with Mexico in the Spirit of the Times, which, when he purchased it from his brother O[ran] Follett, was authorized to publish the laws. ALS. DNA, RG59, Accounting Records, Misc. Letters. Endorsed by Clay: “... Mr. [William] Brown [sic] will pay if it be right—” On February 27 Browne wrote Follett that “the Colombian (not Mexican) Treaty, which was inserted in your paper,” will be published with the laws of the present Session of Congress; and, “When it shall so appear,” payment will be made. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 280-81 (M40, R19). Follett did not, however, hold the contract for printing the laws of the current Session of Congress (cf. above, Evans and others to Clay, June 25, 1825, note).

FROM BUSHROD WASHINGTON. Transmits a letter (not found) from “the daughter of the late Mr Justice [Brockholst] Livingstone [sic]” concerning “Mr. Duer,” whom Washington does not know. ALS. DNA, RG59, A. and R. (MR2). Endorsed in strange hand: “Encloses a letter from Susan Ledyard recommending John Duer as District Attorney—Southern New York.”

Duer, younger brother of William A. Duer, was a lawyer in Orange County, New York. He had been a member of the State constitutional convention in 1821 and, in 1825, had been appointed to the commission to revise the New York statutes. Appointed in 1827 to the position for which he is here recommended, he returned two years later to the practice of law in New York City. He became judge of the superior court of that city in 1849 and in 1857, the year before his death, was named chief justice of that body. He was the author of several treatises on the law of marine insurance. Susan Livingston had married Benjamin Ledyard, also of New York, a veteran of the Revolution.

To Romulus M. Saunders

Romulus M. Saunders Esqr. H. R.

Sir, Department of State, Washington 16 Feby. 1826. [Acknowledges receipt of his letter of February 14; states that “on a careful research no such letter from Mr. Monroe has been found.”]

Having been already called upon by the Chairman of the Committee for information in relation to the Correspondence of Mr. Monroe, and having answered his application, I submit it to you,
if it would not have been regular for you, to have made your call through the same Organ.  

I have the honor to be, Your Obedt. Servt.  

H. CLAY.


1 See above, Ingham to Clay, January 25, 1826; Clay to Ingham, January 31, 1826.

To Daniel Webster

Daniel Webster, Esquire, Chairman of a Committee of the House of Representatives.

Sir,  
Department of State. Washington, 16. February 1826.

I have the honour to acknowledge the receipt of your Letter,¹ as Chairman of a select Committee of the House of Representatives requesting from this Department information whether any, and if any, what parts of the public service, under its control, suffer, or are liable to suffer for want of suitable means and provision for the proper performance of such service; and what evils are experienced in the despatch of official business, in the present arrangement of the Department.

For the purpose of having a sufficient general idea of the business of this Office, it may be arranged under the following Heads.

1. Correspondence with fourteen American Ministers of both grades, in Foreign Countries, four Consuls to the Barbary Powers, charged also with Diplomatic Duties, two Agents of Claims at Paris, and London, and 110 Consuls abroad and including numerous translations; and likewise an extensive correspondence concerning claims of Citizens of U. States on foreign Governments.

2. Correspondence, occasional treating and frequent official interviews on business with Foreign Ministers accredited by this Government, whose number varies from ten to fourteen; and also, correspondence with Foreign Consuls admitted in our Ports, whose Governments have no diplomatic representative.

3. The issuing and distributing to applicants personal passports, and the preparation and distribution of Sea-Letters and Mediterranean Passports.²

4. A compilation from official returns of lists of Passengers arriving in the U. States and of registered Seamen and of Commercial information.

5. The custody of the great seal and recording of all the Commissions to American Ministers and Consuls and of foreign Consuls residing in the U. States and the making out and recording of their Exequaturs.

6. Examination and liquidation of accounts for foreign and other services under this Department, in order to their payment here
or passage through the Offices of the Treasury and the application and disbursement of the fund for the relief and protection of distressed American Seamen.  

7. Custody and care of the Books and Papers belonging to various Commissions, which are now dissolved, under different treaties, including those appertaining to the Yazoo Commission, and the occasional exhibition, and making Extracts from some of those Papers, on the application of Individuals.

8. Reports to Congress, and complying with calls for information, and other orders of the Senate and House of Representatives.

9. Correspondence with Governors of States and of Territories, with Federal Officers, Marshals and U. States District Attorneys.

10. The preservation of the rolls of Congress, the recording of the laws, the direction of the printing and distribution of them, and of Public Documents and the designation of and corresponding with, the printers of the Laws.

11. The Patent Office, and the reception and preservation of books &c published in the U. States, and giving necessary Certificates to procure the Copy-rights.

12. Making out and recording all Commissions which do not pass through and belong particularly to the other Departments and compiling &c of the biennial Register of Officers &c. &c.

13. Issuing certificates under the official Seal of the Department for purposes of authentication of records, papers and documents and making out and recording of pardons, remissions of fines and penalties.

14. Care of the original manuscript Journal books, documents and papers belonging to the Congress of the Confederation, and of the declaration of Independence, the Constitution of the United States and the Journal and Proceedings of the Convention.

15. The periodical superintendence of taking the Census and other matters of statistical information, connected with it, and making a Digest thereof.

A cursory glance at the preceding specification of the duties of the Department of State will, at once, shew their multitude and their incongruity. It is not supposed to be necessary to dwell particularly upon each of the items. It will be seen that domestic and foreign branches of the public service, without having the smallest connexion with each other are indiscriminately blended together. What relation for example is there between the affairs of the Patent Office and foreign Negotiations? between the distribution and the designation of the printers of the Laws of Congress and the direction of our foreign Correspondence?

Within a short period (principally within the last year) the number of our foreign Missions have [sic] been doubled. The same
number of diplomatic Representatives is now authorized upon this Continent that we have on that of Europe. In consequence of the Establishment of the Independence of new American States, our Consular Agents are also greatly multiplied. The foreign business of the nation necessarily encreases with its augmenting wealth and population. The total quantity of business transacted in some of the other Departments is larger than that which is done in the Department of State; but in no one of them is there so great and constant a requisition upon the Head of the Department. The necessary consequence of this variety and extent of business is, that it lessens responsibility or renders the enforcement of it unjust. If there be assigned to one more than he can possibly do, the effect must be either to punish him for what he cannot avoid or to hold him less responsible. The evils therefore which are "experienced in the despatch of Official business" in the present arrangement of the Department of State (to answer the last enquiry of the Committee first) arise out of the fact, that there are too many and too incompatible duties devolved upon the Department. If it should be thought proper to apply the obvious remedy, which was recommended by the President at the commencement of the Session, it is respectfully suggested that the first eight heads, contained in the above enumeration might be assigned to the Department of State, and the next seven to a home Department.

With respect to the first enquiry of the Committee "Whether any, and if any, what parts of the public service under its controul, suffer, or are liable to suffer for want of suitable means and provisions for the proper performance of such service" the answer has been anticipated, in some measure, by the preceding statements and observations— To which should be added, that, in the effort to perform all, where the ability exists only to execute a part, the probability is, that all will suffer a little and no part be as well done as if the measure of duty was within the fair scope of reasonable exertion of power. We endeavour to select for our greatest attention, those objects which are deemed most important to the public interest, and to bestow as much as is practicable on the residue. The Patent Office has least of the personal attention of the Head of this Department, and yet it would be unjust to the long and zealous service of its respectable Superintendent to assert that the public had sustained any injury from that cause.

If it should not be thought by Congress expedient to establish a Home Department, then the appointment of some additional Clerks is indespensable [sic] to the despatch of the public business in this Department, as is suggested in a letter which has been addressed to the Chairman of the Committee of Ways and Means, of which a Copy, herewith transmitted, is requested to be be [sic]
taken as a supplement to the present communication.— I have the honor to be with great respect your obedient servant. H. Clay.

Copy. DNA, RG59, Report Books, vol. 4, pp. 133-36. A Copy of this document, L draft, with interlineations in Clay's hand, may be found in DLC-HC (DNA, M212, R2).

2 See above, Clay to Nourse, November 11, 1825, note.
3 See above, Pleasonton to Clay, April 19, 1825; Clay to Quarrier, May 12, 1825.
4 See above, I, 229n.
5 See above, Brown to Clay, January 30, 1826, note.
6 Dr. William Thornton.
7 A committee of the House of Representatives reported in May, 1826, favorably to such a proposal; but it was tabled in the rush of business at the end of the congressional Session. The bill was taken up on January 19, 1827, for debate in Committee of the Whole. U. S. H. of Reps., Journal, 19 Cong., 1 Sess., p. 640; 19 Cong., 2 Sess., p. 182. No further action was reported.
8 Above, Clay to McLane, January 14, 1826.

MISCELLANEOUS LETTERS

February 16, 1826

To Willis Alston. States, in response to Alston's letter of February 13 and his request (of February 10), that “It is not usual, nor required by Law,” for Federal officers “to certify to the Official Character of a person in the employment of the State Government”; adds: “As a matter of convenience it has been sometimes practised to Certify to the official Character of Governors, when the paper to be authenticated has a foreign destination; and in the case of your application, if the Governor of your State will Certify to the Official Character of Mr. Eppes I will take pleasure, should it be desired to have the paper further authenticated here.” Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 274-75 (M40, R19).

To Charles Dewey, Corydon (Indiana). Transmits his commission as United States attorney for the District of Indiana. Copy. Ibid., p. 274. Dewey acknowledged receipt of the communication on April 8, 1826. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Born in Massachusetts, Dewey had been a member of the Indiana Legislature in 1821 and had been first appointed Federal attorney in April, 1822. He was replaced in this office early in the Jackson administration but was named as United States judge for the District of Indiana in April, 1842.

To William Doherty [Dougherty], Zanesville (Ohio). States that a commission appointing him United States marshal for the District of Ohio has been forwarded to “Mr. Bird [Charles Willing Byrd]—Judge of the said District,” pending execution of bond. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 273 (M40, R19). Clay's letter to Byrd, at West Union, bears the same date. Copy. Ibid. Doherty's acknowledgment of receipt of the commission is dated, at Columbus, Ohio, April 5, 1826. ALS. DNA, RG59, Misc. Letters (M179, R64).

To Israel Thorndike, Boston. Acknowledges receipt of his letter of February 11, which will be given “the most respectful consideration.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 273 (M40, R19).

From Peter B. Porter

Dear Sir,

Albany February 17th. 1826.

I came to this place about three weeks since for the purpose of
procuring from the Legislature an extension of the powers of the Canal Commissioners in relation to my Hobby, the Black Rock Harbor. I shall probably, in the course of four or five days more, have accomplished my object, & return home.

This visit has afforded me an opportunity of observing, but I doubt whether, the means of comprehending, the complicated political movements that are going on at this place— Indeed I question whether many of the most prominent actors themselves, understand very distinctly what they are at. Mr Clinton, finding that his present force cannot sustain him, is casting about among the different combinations & outs of the party opposed to him, and by a course of conciliation, blandishment & flattery (most unnatural to him) endeavoring to gain their support. He is however well understood, & instead of gaining his enemies, will more probably lose the confidence of his friends. Will you do me the favour to inform me what Van Buren is doing at Washington: Is he leagued with the V. President and, if so, has this combination yet avowed or disclosed any distinct ulterior object, beyond that of breaking down the administration? Are Clintons friends acting with him? The information which you may be able to impart, may be of some consequence to me. At any rate you may rely on its being kept by me as strictly confidential.

I intended to have written a letter of introduction to you (indeed I thought I had done so) in favour of Mr Garnsey, the Member from my district. In a letter, however, which I got from him yesterday, he says “I am not as well acquainted with Mr Clay as I should like to be; you once promised me a letter to him. Suppose you should write him. I might, perhaps, be able to render more effectual service to our friends if he had confidence in my friendship; and I am highly pleased with him.” I must beg you to extend your civilities to him, & I am sure he will not prove ungrateful. I shall say, in my reply to him, that I have written to you.

I sincerely hope, for many reasons, that you may find it convenient, in the course of the summer, to make a tour through our state. I shall be at N. York in June, & should be proud to accompany you.[.] I shall probably before I leave this, write you an official letter on the subject of our Commission. By the bye let me ask whether Congress have made any appropriation for us, for the ensuing year?

You will perceive by the appointment of our State officers, two days ago, by the Legislature, that Mr Clintons friends are not only in the minority, but that, conscious of their weakness, they are seeking to attach themselves to the opposite party.

With great respect & regard your Obt Sert. P. B. Porter.

If you will write soon after the receipt of this, your letter will probably find me here— If not, it will immediately follow me home.
APPLICATIONS, RECOMMENDATIONS  February 17, 1826

John M. McConnell, William L. Pogue, Clifton A. Garrett, and Will Conner, Greenupburg (Kentucky), “citizens of Greenup county and members of the bar of the circuit court,” having learned of the death of (Thomas) Todd and anticipating the appointment of Robert Trimble to fill the vacancy on the United States Supreme Court, recommend that Adam Beatty be named Trimble’s successor. ALS by McConnell, signed also by Pogue, Garrett, and Conner. DNA, RG59, A. and R. (MR1). McConnell and Conner had been members of the recently terminated session of the Kentucky House of Representatives, the former serving as a member of the State legislature from 1822 to 1830 and the latter in 1825, 1827, and from 1842 to 1846. Pogue, a son of Robert Pogue (Poage, Poague), of Mays Lick, Kentucky, was an extensive landowner, active in developing iron furnaces in Greenup County. Garrett in 1828 became deputy sheriff of Greenup. On Todd’s death and the competition relating to the new appointment, see above, Blair to Clay, January 30, 1826; below, Clay to Hammond, April 19, 1826; Clay to Boyle, October 20, 1826.

Robert Traill Spence, Baltimore, recommends (Samuel D.) Forsyth as consul at La Guaira, Colombia. ALS. DNA, RG59, A. and R. (MR2). Spence, born in Portsmouth, New Hampshire, had entered the United States Navy as a midshipman in 1800, and, since 1822, had been captain of the Cyane, assigned to the West India Squadron. Named as commander of this fleet later in 1826, he died before sailing. On the appointment here recommended, cf. below, Clay to Williams, April 20, 1826.

To Charles Hammond

My dear Sir  Saturday 18 Feb. [1826]

You threaten to leave us so soon, and during your Sht sojourn my health has been so delicate,1 that I have not seen, and fear I may not see, as much of you as I wish. Monday is the only day that I can find the Bishop2 not engaged to dine out. I hope you will come on
that day and dine with him and me alone. And I should be very glad to see you this evening if you have no better disposition to make of yourself.

Yrs faithfully H. Clay

C. Hammond Esq

LS. NhD-William C. Speed Collection.

1 Cf. below, Clay to Brooke, February 20, 1826.

2 Philander Chase, who was in Washington for several weeks, attempting to obtain a land grant from Congress for Kenyon College.

Diplomatic Notes

February 18, 1826

From Charles R. Vaughan, Washington. Transmits a copy of an order “issued by the direction of His Majesty's Lt. Governor [Sir James Kempt] & Council of Nova Scotia, declaring that Vessels of the United States, will be admitted to entry in the Port of Halifax, & will be allowed to carry on Trade as they have hitherto done”; comments that this order “removes the difficulties which we apprehended might ensue, from the construction put, by the Comptroller of the Customs at Halifax, upon the late Acts of the British Parliament regulating the intercourse with British Colonies” (see above, Clay to Cambreleng, December 25, 1825); and notes that Kempt expresses regret at the interruption of American trade to Halifax and “trusts that no serious inconvenience has been felt, during the very short time which it lasted, particularly as it occurred at a season of the year when but little communication takes place.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in Manning (arr.), Diplomatic Correspondence...Canadian Relations, II, 499-500.

Kempt, who had served in the British Army through the Napoleonic wars, commanding a brigade at Waterloo and later heading a division, was Lieutenant Governor of Nova Scotia from 1820 to 1828, administrator of Lower Canada from 1828 to 1830, and master general of the Ordinance from 1834 to 1838. He had been named a Knight of the Grand Cross of the Bath in 1815, had attained the rank of lieutenant general in 1825, and was raised to a full general in 1841.

Instructions and Dispatches

February 18, 1826

From Richard C. Anderson, Jr., Bogotá, no. 35. Encloses copies of his “two letters to the Secretary of foreign relations [Joseph R. Revenga],” relating to claims against the Colombian Government in the case of the schooner Ranger and the brig Morris (see above, Watts to Clay, January 6, 1826), the latter having been acquitted but “still suffering most of the inconveniences of a condemnation.” Notes that he has “again brought up the case of the Mechanic” (see above, Anderson to Secretary of State, March 18, 1825, note) and, in obedience to Clay's instructions of October 20 (i.e., 19), “The claim for a part of the cargo of the schooner Paloma, heretofore rejected by this Government. ...” ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received April 11.

From Joel R. Poinsett, Mexico, no. 36. Transmits “abstracts of the several memorials presented to Congress at the commencement of the year by the heads of departments of this government.” Notes that the report of the Secretary of Foreign Affairs (Sebastián Camacho) indicates that France has admitted Mexican commercial agents to her ports “and has signified its intention to send similar agents to Mexico.” Reports that the Secretary has been seriously ill “and
it is supposed, . . . will not only have to abandon the voyage to London [see above, Poinsett to Clay, February 1, 1826], but to resign his office of Secretary of State.” Expresses a belief that further negotiations between himself and Mexican officials will be delayed but hopes to conclude “a Treaty of Amity, Commerce, and Navigation before the end of the present session of Congress.” Comments on the reports of other departments and on the possibility of a reduction in tariff duties. LS. Ibid., Mexico, vol. 1 (M97, R2). Received March 25.

MISCELLANEOUS LETTERS

February 18, 1826


From Richard Rush, Treasury Department. States, in relation to Clay’s note of December 21, “enclosing a communication from the British Minister,” that he has been informed by collectors at “the only Ports to which Vessels of the description referred to . . . are known to resort . . .” that “no Tonnage duties have been exacted from British Steam Boats or other Vessels under fifty tons, and that their Ports are not frequented by” larger “vessels of that Nation . . . .” Points out, however, that all vessels, American and foreign, entering the United States from any foreign port are subject to tonnage duty. “It hence follows, that British vessels above fifty tons arriving in our ports, though only in ballast, would, as the law now stands, be subject to tonnage duty, as American vessels would also be.” LS. DNA, RG59, Misc. Letters (M179, R64).

From Romulus M. Saunders, Washington. Acknowledges receipt of Clay’s note of February 16; explains “the supposed irregularity” by stating that the committee has not met regularly, that it proposes acting today, and that he had consulted the chairman and other members before making his inquiry. ALS. Ibid.

From William B. Giles

Mr. Henry Clay, WigWam,¹ FebY. 19th. 1826

Sir,

This note will be presented to you by my son, Mr. Tho. T. Giles, accompanied with a letter addressed by you to myself on the 19th. day of April, 1824. Your letter would have received some attention immediately after its receipt, but I was rendered unable to attend to its contents, at that time, by a severe illness, which commenced the day after its receipt, and continued for some months. During that time several rumours reached me, stating that the letter was merely intended as sarcastic, and that you had thought yourself at liberty to show it to a number of your friends for your joint amusement. This letter, you also thought yourself at liberty, to forward to me without apprising me of the use you had previously made of it. Since that time, I have received the positive assurance
February 20, 1826

of a gentleman, whose name it is not necessary to mention, but in whose information I have full confidence; that you did make such use of the letter as is above stated. You are now requested to state explicitly [sic] in writing whether, or not you did show this letter to your friends, before you forwarded it to me; and the object you had in doing so? And whether or not you had written it as a mere sarcasm?

I hope, Sir, you will see the propriety of complying promptly with this request.—

Your Obdt. Servt. Wm. B. Giles

LS. DLC-HC (DNA, M212, R2).

1 Giles's estate in Amelia County, Virginia.

2 On March 4 Thomas T. Giles presented Clay the two above-mentioned letters. After reading them, Clay "informed Mr. Giles that in consequence of not recognizing him as an organ free from objection, from his relation to Mr. W. B. Giles, for a communication of the character of that imported by the second (the present) letter, he should abstain from giving a reply to it through him; but was prepared to give such reply as he deemed the case to require, whenever the objection derived from the present mode of communication should be removed—" Mr. Clay then returned to Mr Giles the letter which appeared to have been formerly addressed by Mr Clay to Mr W. B. Giles, and informed Mr T. T. Giles, it was at his option to retain or leave the letter now presented to himself— The latter of these alternatives was adopted by Mr Giles And the Interview terminated." ADS by W(illiam) S. Archer, March 4, 1826. DLC-HC (DNA, M212, R2).

DIPLOMATIC NOTES

February 19, 1826

From the Baron de Mareuil, Washington. States that he is "charged to thank the Government of the United States for" articles furnished from American naval stores, without charge, for repairs to the French brig, Endymion, at Norfolk last September. LS in French, trans. in State Department file. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7).

To Francis T. Brooke


In answer to your friendly enquiries, contained in your letter of the 18th. instant,1 respecting my health, I have the satisfaction to say that it is improving. From the commencement, until about four weeks ago, it was very good. I was then attacked with influenza which, after one recovery, has been renewed, and I have been a good deal reduced especially in the relapse. I think I have no organic defect in my structure, and I therefore indulge the hope of a speedy return of full health.

As to the Panama mission it has encountered much delay and a good deal of opposition in the Senate, owing principally to the actual composition of that body at present. There are some 15 or 16 Senators determined to oppose the administration, at all events, and that measure especially. There are eight or ten others, whose private feelings are inimical, but who are restrained by the state of
things at their respective homes. When these eight or ten unite (and they are disposed to lend to the regulars of opposition all the collateral countenance they can, without committing themselves) with the others, together they form a majority. The delay which has occurred in the Panama affair has been produced by a majority thus compounded. And the expedients to which it has resorted, to procrastinate the decision, will surprize the Country, if it is ever allowed to know them. Nevertheless it is confidently believed that a majority of the Senate will finally approve the Mission. It is understood that they are to act on it to day, and they may possibly get through it this week, 'though that is by no means certain. In the House, and with the Country, the Administration need not desire to be stronger than it is. As to the peculiar condition, at this time, of the Senate, you can well imagine the causes.

I remain Cordially Yr. friend

H Clay

The Honble F. Brooke.

Als. DLC-TJC (DNA, M212, R13). Marginal endorsement along second paragraph: "Confidential." 1 Not found.

2 Cf. below, Clay to Anderson, March 15, 1826.

From James G. Birney

Honorable H. Clay:


Sir,— I discover, through the medium of the news-papers, that there is a strong probability of an extension of the Circuit Court system of the United States: In which event, this State and Tennesse will constitute one Circuit. I have understood, that, there are, already, numerous applicants from Tennessee, for the judicial appointment in the Circuit just mentioned; among whom are Judge Haywood, Judge Brown, and Mr. G. W. Campbell. The characters, which these gentlemen sustain, as jurists, I know only by report. The first has undoubtedly, occupied a high station as a lawyer and judge, but the impression, here, is, as, I believe, it is in Tennessee, that he is too old, and too unwieldy to enter upon the discharge of duties, so imperiously demanding an intellect in its vigor, and a due degree of personal activity. Of Mr. Campbell's just claims to the office I have heard but little—more reliance, I am induced to believe, being placed on his former publick services, and his political associations. The strength of recommendation will, I think, be concentrated on Judge Brown. He has the reputation, assuredly, of good talents, and of highly respectable legal information, for one of his age, which from reputation does not exceed 37 years.

My object, sir, in addressing to you this letter, is, to bring to your consideration the just and meritorious pretensions of a warm and
undeviating friend of yours, Col. John McKinley, of this town. An industrious and extensive practice of several years, since his removal to this Country, has added rich stores of legal science and information to a mind, with whose native force and energy and susceptibility of high improvement, you are as well acquainted as I am, and, no doubt, better able to judge. The Bar, at this place, has the character of the best in our State, and from my information as to the legal, or forensick, ability in the remote parts of our State, I believe, that it deserves that concession. At the head of this, he stands, I am free to say, without a rival in legal attainment:— In the Supreme Court of the State, which attracts to its bar our best abilities, he occupies the same pre-eminence, and between him and the next there is a long interval.

No Citizen of Alabama has, as far as my recollections serve me, received any appointment of importance to be exercised beyond her limits: And, I do believe, from the high estimation of Col. McKinley's character as a man of blameless reputation, of spotless honor, and high qualifications, that no one could be more acceptable to the community, generally, than he, should he be so fortunate as to receive this her first general appointment. If the general government has not been prodigal, it has, at least, been liberal to Tennessee, in selecting her Citizens for responsible and honorable places. She has furnished Generals, Commissioners under the provisions of a Treaty, provincial governors, Secretaries of Treasury, and Ambassadors to Europe, whilst this State has had nothing. This should not be mentioned, were I disposed to post-pone the fair claims of Col. McK. to those of any one of the gentlemen from Tennessee. But, when Alabama, pretermitted as she, heretofore, has been, offers for an office, in the faithful administration of which she is equally interested with Tennessee, one of her first Citizens, whose just pretensions (should she not urge their superiority) are, at least, equal to those of the gentlemen from a highly favored state, pardon me, sir, for suggesting that it would tend, much to alienate those favorable regards which have been rapidly growing, in our State, and inclining to the present administration.

Another consideration I would suggest, tho' it may be, almost useless, to one of your experience and sagacity: Those gentlemen, in Tennessee, allowing them that high character, as lawyers, which I presume, they enjoy, must be deeply interested in the perplexed, ramified and important land-claims of that State. This, we know, has been the case in Kentucky, where similar intricate claims have existed. Col. McK., then, on this subject of adjudication, so important to Tennessee, would have a decided advantage over the other applicants, inasmuch, as he would have no interest by which
decisions on these claims would be delayed, nor could there be the least suspicion of interest to create dissatisfaction, from a particular course of adjudication.—

I write this letter, sir, not knowing that it will have any, the least, weight in your consideration;—I have not had an opportunity of knowing you, personally, since I was an urchin, twenty years ago, going to school in Lexington, and boarding near your house. I have spoken to you candidly, in this letter, of your friend, Col. McK. and have shewn you the consideration in which he is held in this State. I have for him a high regard, it is true—but were he my bitterest enemy, I should say for him what I have said.


JAMES G. BIRNEY.

ALS. DNA, RG59, A. and R. (MR3). Birney, born at Danville, Kentucky (1792), educated at Transylvania University (1803-1805) and the College of New Jersey (now Princeton University), admitted to the bar, and, in 1816, elected to the Kentucky Legislature, had moved in 1818 to Alabama, near Huntsville, where for a time he practiced law and was active in political affairs. Becoming more and more opposed to slavery, he later organized a branch of the American Colonization Society in Huntsville and served for about two years as agent of the parent organization. Around 1832 he returned to Kentucky, within the next few years severed his connection with the colonization movement, and, in 1835, formed the Kentucky Anti-Slavery Society. In 1836 and 1837 he published the Philanthropist at Cincinnati; then, having been elected secretary of the American Anti-Slavery Society, he moved to New York. In 1840 and 1843 he was nominated for the Presidency by the Liberty Party.

1 See above, Hammond to Clay, January 4, 1826.
2 John Haywood; William L. Brown.

MISCELLANEOUS LETTERS February 20, 1826

To HUGH DAVIS, Pittsburgh. States that his commission as United States marshal for the Western District of Pennsylvania has been sent to (William) Wilkins, "Judge of the said District," pending posting of the required bond. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 278-79 (M40, R19). Clay's letter of transmittal to Wilkins, at Pittsburgh, bears the same date. Copy. Ibid., 278. In a letter to Clay, March 21, Wilkins reported delivery of the commission. LS. DNA, RG59, Misc. Letters (M179, R64). On March 29, 1826, Davis acknowledged receipt of his commission. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

To HENRY DOGE, St. Louis. States that his commission as United States marshal for the District of Missouri has been forwarded to (James H.) Peck, "Judge of the said District," pending posting of the required bond. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 277 (M40, R19). Clay's letter of transmittal to Peck, at St. Louis, bears the same date. Copy. Ibid., 276-77. Born at Vincennes, Dodge had settled at Ste. Genevieve, in Spanish Louisiana, in 1796. He had been named sheriff of Ste. Genevieve in 1805 and marshal of Missouri Territory in 1813, from which latter position he resigned in 1827. He later served as Governor of Wisconsin Territory (1836-1841, 1845-1848), Delegate to Congress (1841-1845), and member of the United States Senate (1848-1857).

To WILLIAM B. GRIFFITH, Natchez. Forwards his commission as United States attorney for the District of Mississippi. Copy. Ibid. Griffith acknowledged
February 20, 1826

receipt of his commission on April 10. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Born in Maryland, he had settled in Natchez around 1818. He had been first appointed Federal attorney in 1822 and served until his death in 1827.


From Joseph Blunt, New York. Encloses prospectus of an "Annual Register" and seeks subscriptions. ALS. DNA, RG59, Misc. Letters (M179, R64). Blunt, a lawyer, had published in 1819 a brief tract on prohibition of slavery in Missouri and in 1825 A Historical Sketch of the Formation of the Confederacy... He served as editor of the series, running to eight volumes, under the general heading The American Annual Register, for the years 1825-1826 through 1832-1833 (New York, 1827-1835). Later publications, on a wide range of subjects, included The Shipmaster's Assistant and Commercial Digest, which appeared in numerous editions during the decades of the forties and fifties.

On February 23, Daniel Brent at Clay's direction informed Blunt that the Department would subscribe for ten copies of the proposed work. DNA, RG59, Dom. Letters, vol. 21, p. 280 (M40, R19).

From James Lloyd. Requests information that may be useful to the Committee on Foreign Relations in connection with his resolution relative "to the admission of Steam boats from the British Provinces into the Ports of the U: S: on the same terms as Amn. Steam boats are admitted into the ports of those Colonies" and "a memorial from Balto, praying for the opening of a General trade with the British Colonies..." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed (AEI): "Mr. Brent will have the letters copied which passed between Mr. [Richard] Rush and Mr .......... in England on the subject of the exemption of Steam vessels and other vessels in ballast from tonnage duties; and also Mr Vaughan's late letter [above, February 18, 1826] on the same subject H C." Cf. above, Vaughan to Clay, December 21, 1825. No legislation concerning the tonnage duties on steam vessels was enacted. For settlement of the controversy, see below, Vaughan to Clay, June 20, 1826.

Applications, Recommendations  February 20, 1826

Nathaniel H. Claiborne and others recommend Dabney S. Carr of Baltimore for appointment as consul at La Guaira. ALS by Claiborne, signed also by fourteen others. DNA, RG59, A. and R. (MR1). Claiborne, of Virginia, brother of William C. C. Claiborne, was a member of the House of Representatives from 1825 to 1837. He had served earlier in the State House of Delegates (1810-1812) and the State Senate (1821-1825). On the appointment, cf. below, Clay to Williamson, April 20, 1826.

George Jackson, Zanesville (Ohio), refers to the death of his son, John G. Jackson, whom he terms "a warm friend of" Clay, and solicits some appointment for "another son Drctr. Edward B. Jackson." ALS. DNA, RG59, A. and R. (MR2). Edward B. Jackson also died, later this year. George Jackson, born in Maryland and reared in western Virginia, had been a colonel in the Revolution and, admitted to the bar in 1784, had practiced law at Clarksburg. He had been a representative in the Virginia House of Delegates from 1785 to 1791 and again in 1794 and in the United States Congress from 1795 to 1797 and from
SECRETARY OF STATE

1799 to 1803. Moving to Zanesville, Ohio, in 1806, he had served in the State House of Representatives, 1809-1812, and in the State Senate, 1817-1819.

J[ohn] Mason, Georgetown, recommends William Goode for appointment to fill a vacancy as "one of the Magistrates of this Town. . . ." ALS. Ibid. Goode, not further identified, received no appointment.

William L. Reaney, Boston, having learned from the newspapers "that the Govet. of the U S had something to do with the Colony on the Coast of Africa," where he is "well acquainted," offers his services there should his "prospects at Porto Rico be destroyed. . . ." ALS. Ibid. (MR3). See above, Van Ness to Clay, September 7, 1825. On February 28, Daniel Brent at Clay's direction informed Reaney that this letter would "be duly considered, together with those which . . . [Reaney had] addressed to him in the months of September [22], October [25], and December [23], last." DNA, RG59, Dom. Letters, vol. 21, p. 281 (M40, R19).

James Schee, Washington, solicits appointment as consul at La Guaira. Notes that he resigned as consul at Genoa "in the expectancy of receiving something more advantageous" and cites his "long experience in consular duties" and his "knowledge of the Spanish language" as qualifications. ALS. DNA, RG59, A. and R. (MR3). Schee, a native of Delaware, had been consul for Genoa from 1818 to 1822; he received no further appointment.

William Smith, Huntsville, Alabama, recommends John McKinley for appointment as judge for the proposed circuit of Tennessee and Alabama. ALS. Ibid. Cf. above, Hammond to Clay, January 4, 1826, note. Smith may have been the former South Carolina Senator, who appears to have purchased land at Cahaba in 1819 and who moved to Louisiana and thence to Huntsville in 1833.

To James Brown

Dear Sir

Washn. 21 Feb. 1826

I am indebted to you for several letters, and should have written you before but for the influenza which has affected every body, but of which I had more than an equal share. It has left me very weak, but I am gradually regaining my strength. Lucretia and the children are well. In Kentucky Mary Pindell, after having become insane, has died.¹ The rest of our connexions there are well. Anne has produced a daughter² and both are in good health.

In the Country and in the H. of R. the administration need not be stronger than it is. In the house it has the talents and a large majority on its side. In the Senate, from various causes, some of which you will readily comprehend, it is not so strong. That is the rallying place, and the Panama mission the rallying point of opposition. More than two months have elapsed since the President nominated Mess Anderson and Sergeant, and the nominations are not yet decided.³ I have not time to enter into the details of all the manœuvres of opposition on that question, nor would they possess much interest to you. The Senate was this very day under-
stood to be engaged on the affair, but it is yet somewhat uncertain when it will decide. It is believed (and so I think) that there will ultimately be a majority in support of the mission; but of that majority there will be several reluctant members, whose fears rather than their inclinations will urge them to vote for it. There will not be probably any other measure, during the present Session, on which the opposition will be able so strongly to unite. In the mean time the administration, I think, is daily acquiring strength and confidence in the nation.

It was not my opinion that, at the present Session of Congress, any measure of reprisal or other strong measure should be adopted; but what I wished was that all that was done might point to that ultimate resort, or rather, without indulging the language of menace [sic], France might be left to infer such a final appeal. In the Cities, you will see that they are getting up the notion of a special mission. The President, without entertaining the smallest distrust in your zeal or ability, is rather inclined towards it; but nothing is yet absolutely decided. There is a solemnity belonging to the occasion of such a mission that gives it some recommendation.

The articles which Mrs. Brown was good enough to purchase for us in Paris have reached New York, but have not yet arrived here, although we are now in daily expectation of them. We are greatly obliged for the kind attention of Mrs. B. & yourself about them. I transmit you inclosed a bill drawn by the Baron de Mareuil for five thousand franks [sic] to reimburse you the expenses [sic] which I have put you to. Your memorandum stated the cost of the articles at something upwards of four thousand franks; but there were some additional charges which I hope this bill may cover. If it should not be pleased to let me know, and I will remit the deficiency.

I am afraid you have sustained a loss at New Orleans by the failures there. Doubtless Mr. Humphreys, if he has not been able to take care of your interests, has kept you informed of events. Morgan, Kenner & Co. &c &c &c have all failed. I fear you will have lost by the failure of Kenner & Co.

Mrs. Clay has heard nothing from Mrs. Adams as to any advances made by Mrs. Brown for her; and she has not felt herself authorized to broach the subject. We have two of your mirrors lately received. I know not yet whether we shall be able to get the third, but we are not in much want of it.

Mrs. Clay unites her affectionate respects with mine to Mrs. Brown.

I am Yr's Cordially

H. CLAY

James Brown Esq.

P.S. Bishop Chase of Ohio formerly a resident at New Orleans, who is now at my house, desires to be remembered to you. H C.
To [Peter] Force  
21 Feb. 1826

Upon inquiry, we find that there is no truth in the report of Mr. Poinsett\(^1\) having concluded a Commercial or any other treaty with Mexico.

Mr. Force will be pleased to publish the above as an Editorial paragraph in the Journal.\(^2\)

H. Clay

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To Horace Holley  
Washington 21 Feb. 1826.

I received your favor of the 30h. Ulto.\(^1\) with its accompaniments. I have forwarded to the Historical S. of Pennsa. what was intended for them.

The catalogue with which you have favored me exhibits a highly prosperous condition of the Medical School, which, in some measure, compensates for the less flattering situation of the College.\(^2\)

There will be great difficulty in supplying your place. I need not say that I regret, most sincerely, the existence of causes which are supposed to require your relinquishment of the Presidency. You have no doubt weighed the matter well, and it is not necessary for me, therefore, to suggest any dissuasive from the execution of your resolve.\(^3\)

I have thought of a Mr. Johns\(^4\) of Frederick town, if he can be got, as a successor. He is an Episcopal Clergyman, and I think would suit Transylvania; but it is doubtful whether he would go.

With our best respects to Mrs. Holley & your daughter\(^5\) I am Respectfully Yr. ob. Servt.

H. Clay

Horace Holley, Esqr.

P S. The seal was not mine, but a private one used in the office some times and I have not thought it worth an enquiry into its device.

H.C.
ALS. KyLxT.  
1 Not found.

Transylvania University had reached its highest enrollment to that time in 1826, with 419 (corrected to 418) students, of whom 137 (corrected to 136) were in the Academical Department and 282 in the Medical Department. For the previous year the total had been 398, with 134 in the Academical, 234 in the Medical, and 30 in the Law Departments. The law program had been dropped for want of faculty in the past year. Ky. Sen., Journal, 1827-1828, p. 37.

Following the criticism of Holley's "extravagant" salary voiced by Governor Desha in his message to the State legislature (see above, Theodore W. Clay to Henry Clay, November 11, 1825, note), Holley submitted his resignation, effective September 30, 1826. On June 5, 1826, however, he reconsidered and agreed to continue for "a time." His salary was reduced from $3,000 to $2,000, annually, but made payable in specie rather than notes. Walter Wilson Jennings, Transylvania, Pioneer University of the West (New York, 1955), p. 152.

John Johns, born in Delaware, graduated from the College of New Jersey (Princeton), educated for the ministry at Princeton and, in 1819, ordained, was at this time (1819 to 1828) serving as an Episcopal clergyman at Frederick, Maryland. From 1828 to 1842 he ministered to Christ Church at Baltimore; in the latter year he became assistant to the bishop of Virginia and in 1862 succeeded to the bishopric. From 1849 to 1854 he also acted as president of William and Mary College, where his administration was highly successful.

Mrs. William M. Brand.

DIPLOMATIC NOTES  
February 21, 1826

From José Silvestre Rebello, Washington. Notes that in the (Washington) National Journal of this date is a copy of a note, from "the Secretary of State for Foreign Affairs at Buenos Ayres" (Manuel José García) to (John) M. Forbes, stating "that the Corsair that clandestinely [sic] scaped [sic] for [sic] the port of Buenos Ayres, and which is cruising the seas, under the name of Lavallega is a pirate"; asks that it be seized and its crew be prosecuted as pirates if it brings prizes into the United States ports. LS in Portuguese, with translation in State Department file. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).

The Lavallega (Lavalleja), formerly known as the William (or Williams), of Baltimore, had been for some time blockaded by the Brazilian Squadron off Buenos Aires.

INSTRUCTIONS AND DISPATCHES  
February 21, 1826

From Rufus King, London, no. 23. Reports a conference with (George) Canning in regard to (Joel R.) Poinsett's difficulties with (Henry G.) Ward (see above, Poinsett to Clay, October 12, 1825), in which "Mr. Canning expressed his satisfaction with the conduct of Mr. Poinsett in all respects, with the single exception of his establishing a Lodge of Free Masons," stated that Ward "ought to have left the whole matter in which he interfered, to his own government," and added that the treaty with Mexico had been returned "to be remade, under the Instructions forwarded to [James Justinian] Morier and Ward." Forwards a dispatch, left open for his perusal, from (Alexander H.) Everett (above, Everett to Clay, February 13, 1826). States that he communicated a part of it to the Colombian envoy (Manuel J.) Hurtado, who thinks the Duke del Infantado insincere and the Council void of "thoughts of Peace with America." Fears that Everett "may deceive himself, and that . . . Peace between Spain and America is further off than he seems to believe." Asserts that "England is so much in advance of Europe in her Commerce and connection with the New States, that she does not shew much anxiety for Peace, between Spain and them"; France, jealous of England, intrigues to obtain influence in the new states; "Prussia and Austria . . . belong to the [Holy] Alliance, and the latter is as hopeless as Russia itself; over which, Darkness and
To [Peter B. Porter]

My Dear Sir (Confidential) Washn. 22d. Feb. 1826

I hasten to ansr. your favor just recd. from Albany under the hope that you may be yet there on the arrival of my letter.

The administration is as strong as it need be in the H. of R. where it has both the talents and a large majority on its side. Owing to the composition of the Senate, at this moment, the Opposition finds there most support. There are about 15 or 16 members determined on opposition, in all events. About 8 or 10 more are secretly inclined to it, and go as far as the condition of things will allow them in their respective states. When these two sections unite they make a majority. The Panama question has been selected to display the tactics and the force of opposition. It is believed (and so I think) that there is a majority in the Senate who will finally approve it; but a portion of that majority is reluctant, and goes along from fear rather than inclination. You would be astonished at the shifts and evasions to which they have resorted to procrastinate the final decision. I hope the veil will be removed, & let the nation see, in all its nakedness and deformity, faction and its workings. Your Senator (Mr. Van Buren) goes along with the faction, on this affair, with as much zeal as the most zealous of them. Mr. Sanford, on the contrary, pursues an honorable & decisive course, in support of a measure, called for by the highest interests of the Country.

I imagine that the V. President, V. Buren and their associates have not yet agreed upon the terms of this most strange coalition. Opposition for the present, with an understanding that they will hereafter endeavor to settle other matters probably are all the conditions yet settled. V. Buren came here at the commencement of the Session with unfriendly purposes, to which he was stimulated by the success you had in N. York in your elections last fall. The same cause made Mr. Clinton lower his crest. Three or four of the Bucktails in the H. appear disposed to oppose the Administration; and the rest of your delegation is well disposed.

There is an appropriation passed the H. for your Commission but it is stopped in the Senate, where all the public affairs appear to be at a pause.

In great haste I remain Cordially Your friend H Clay
FEBRUARY 22, 1826

From David M. Randolph

Dear Sir,

York Town, Virginia, 22 Feb. 1826

Having once been pardoned for trespassing upon your kindness, I am again, presenting an Affair of importance to my worldly comfort, to your liberal contemplation.

I have asked office of every succeeding president since my dismissal by Mr. Jefferson. And, if my political Sin can be absolved—having been honored with an expression of his approbation for a delicate service under his policy of neutrality in '94—and, an honest sense of my oath, then will my claim to confidence by the present Chief, no longer be disregarded; more specially, since I dare hope, that at length, there exists among those in power, none other than feelings purely national. Permit me therefore, to repeat through your generous attention, that I am aspiring to fill any occurring vacancy, compatible with my humble pretentions. Afectionately mindful of the peculimaty of the author of our original acquaintance, I am with esteem, and all due respect, your friend & Huml. Sert.

D M RANDOLPH

Henry Clay Esqr.

ALS. DNA, RG59, A. and R. (MR3). Randolph, of Henrico County, Virginia, an officer in the Revolutionary War, had been appointed, by President George Washington in 1791, as United States marshal for Virginia and had been removed from that office in January, 1802.

No earlier application has been found, but cf. above, II, 728n.

In August, 1794, Randolph, as Federal marshal, had, at great personal hazard, seized the Unicorn, a vessel built in Maryland during the Revolution and at the later date being outfitted, according to report, at Smithfield, Virginia, for service as a privateer, armed and manned by United States citizens, for action “against the Enemies of the French Republic.” Sherwin McRae and Raleigh Colston, eds., Calendar of Virginia State Papers and Other Manuscripts . . . Preserved in the Capital, at Richmond (11 vols.; Richmond, 1875-1893), VII, 214-49, passim.

No appointment of him during the administration of John Quincy Adams has been found.

MISCELLANEOUS LETTERS

From Robert Traill Spence, Baltimore. States that, owing to loss of some letters by a servant sent to mail them, he is enclosing “a duplicate” of an earlier letter to Clay (above, February 17). ALS. DNA, RG59, A. and R. (MR2). The “duplicate,” ALS, is dated February 22.

APPLICATIONS, RECOMMENDATIONS

George Stevenson, Wilmington D(claware), asks Clay “to mention” his “name” to (James) Barbour in connection with an application by Stevenson’s son.
Francis, "for the appointment of a Cadet." ALS. DNA, RG94, Military Academy, Cadet Applications, 1826-234 (M688, R46). Endorsed by Clay on cover: "Refered [sic] to the Secy of War with the recommendation of H. C." Young Stevenson was rejected for admission to the Military Academy. Neither Stevenson has been further identified.

T[homas] I. WHARTON, Philadelphia, recommends Charles S. Riché "of this state" for appointment as consul at La Guaira. ALS. DNA, RG59, A. and R. (MR3), Riché, not further identified, received no appointment.

From Robert L. Madison

Dr. Sir

Florida February the 23. 1826

I arrived here about six weeks ago & have located myself within a few miles of Tallahassee. The country possesses many advantages but it abounds in ponds of water that have no visible outlet the general opinion seems to be that their is a subterranean [sic] communication from them to Lake Jackson a beautiful sheet of water of more than thirty miles in circumference. I am apprehensive though that the vegetable [sic] matter on the margin of those ponds will become putrescent in hot weather & render our settlement unhealthy.

The population of Florida is a very mixed one & contains but few men of talents, the reflecting & intelligent part of it however are perfectly satisfied with the administration of the General government.

I have now my Dr. Sir. to ask a favor of you. I have qualified to practice law in the different courts and to forward my views I wish to be appointed a member of the executive council for this territory. if I receive the appointment I will use every exertion to discharge the duties of it in a manner gratifying to my friends. It is reported that Colo. Walton1 the present secretary for this territorial government will probably receive some office in Washington. in that event I am a candidate for the one which he now holds and shall consider myself under everlasting obligations to you if you will exert your influence to procure it for me.2 So soon as you have a leisure moment I should be glad to hear from you. I intended to have written to my friend Mr. Reeves3 but must postpone it until the next mail—

Sincerely Yr devoted friend

P. S. Excuse all errers [sic] I am in the woods & have to substitute a log for a table

Robert L Madison

ALS. DNA, RG59, A. and R. (MR5). Addressed to Clay. Madison, born in Virginia, was a nephew of President James Madison. 1 George Walton. 2 Walton retained his position in Florida; Madison, who died in 1828, received no appointment. 3 Probably William C. Rives, member of Congress from Virginia, 1823 to 1829.
graduate of the College of William and Mary, he had begun the practice of law about 1814 and served in the State legislature (1817-1820, 1822, 1823). He became United States Minister to France (1829-1832, 1849-1853), United States Senator (1832-1834, 1836-1845), and member of the Confederate House of Representatives.

INSTRUCTIONS AND DISPATCHES  
February 23, 1826

From Heman Allen, Santiago de Chile, no. 28. Reports the fall of “the castles of Callao” on January 19. States that he “repaired to this City a few days since, for the purpose of renewing the claims of our citizens,” but sees no prospect of success; that, amid the confusion attending the “absence of the Director” (Ramon de Freire—see above, Allen to Clay, December 2, 1825), (Joaquin) Campino has resigned; and that he (Allen) has drafted a commercial treaty but thinks this is no time to press it. He will probably return to Valparaiso without having attained any of his objectives. ALS. DNA, RG59, Dip. Disp., Chile, vol. 1 (M-T2, R1). Received July 11. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1110.

From William Tudor, Lima, no. 34. Reports a general belief that the port of Arica will be ceded by Peru to Bolivia and recommends, in that case, the appointment as consul to that port of his vice consul, Alfred Cobb, a young man established in business there. Encloses copies (not found) of “correspondence with the Peruvian government & with Gen. Rodil relative to the debts & credits of the latter.” Notes the return of “The Libertador” (Simón Bolivar), following the fall of Callao, and his efforts “as a mediator between Peru & the new Republic [Bolivia], & [in] preparing measures for the resignation of his authority. . . .” States that the members of Congress are assembling slowly; that “The hopes of Peru as well as the wishes of the Libertador were fixed on Marshall La Mar to take the Presidency of the Republic”; and that he believes Lamar will not accept on account of ill health. ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1783-85. On the recommended appointment, cf. below, Tudor to Clay, July 26, 1826. José Ramón Rodil y Galloso, born in Spain and, in 1817, assigned to Peru as an officer of Royalist forces, had been Governor and general in command at the fall of the Spanish fortress at Callao. José de Lamar y Corzázar, born in Cuenca (now in Ecuador), and educated in Madrid, had risen to the rank of brigadier general in the Spanish Army and had been named inspector general of the expedition to Peru in 1815. After successfully defending Callao against San Martín at this time, he subsequently had been won over to the Patriot cause and had fought as a leader of the latter forces at Ayacucho. Since 1822 he had held office as President of the ruling junta of Peru; but, retiring to Guayaquil late in February, 1826, ostensibly for reasons of health, he became a leader in the emerging opposition to Bolívar’s domination of Peru. In 1827 he was elected President of the Republic of Peru, from which position he was deposed and sent into exile after Bolívar defeated the Peruvian forces at Tarqui in 1829.

MISCELLANEOUS LETTERS  
February 23, 1826

To Churchill C. Cambreleng, “H. R.” At the direction of the Secretary, Daniel Brent returns “the enclosed Letter [not found], which was left here a few days ago” at Cambreleng’s instance and informs him “that there is no fund under the control of that Department, out of which” reimbursements may be
made to “our Consul at Bremen” (Frederick J. Wickelhausen) for payment “made to a Citizen of the United States found in a destitute condition in his District, thro’ a motive of Charity.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 279 (M40, R19).

From James Noble and R[ATLIEF] Boon, Washington. Refer to their earlier letter (above, January 5, 1826); state that “It now appears that [Elisha] Harrison is entitled to the money; and request payment of the account, “made out in favor of the Editors Harrison and [William] Monroe...” ALS by Noble, signed also by Boon. DNA, RG59, P. and D. of L.

APPLICATIONS, RECOMMENDATIONS February 23, 1826

James P. McCorkle, recommends Thomas W. Robeson for appointment as consul at La Guaira. ALS. DNA, RG59, A. and R. (MR3). McCorkle, not identified, received no appointment.

Edward Taylor, Washington, solicits appointment as consul at La Guaira. ALS. Ibid. (MR4). The appointment was not granted.

Nicholas Van Dyke, Washington, recommends James Schee for appointment as consul at La Guaira. ALS. Ibid. (MR3). See above, Schee to Clay, February 20, 1826, note.

Account with Leonard Jacoby

Dr. Henry Clay Esqr. To Leonard Jacoby [February 24, 1826]

1808
August 30 To Cash you recd. of Banks & Owings .......... $291—22

" Interest on $168 72/100 from 30th August
1808 to the 12th December 1819—11 years
3 mo. & 12 days— 113—98

" Balance due H. Clay ................................. 324 37

$729—57

1819

Supra Cr.
August 30 By your bill of Charges allowd. in the assignees $122—50

Decmr. 12 By Cash A F. Price recd. of Gaines &
McCalla¹ on their negotiable note ............... 183—20

1820
January 4 By Cash A. F. Price recd. on Col Todds² check 57—00
25 By ditto A. F. Price recd. of Thomas Smith .. 51—2

1824.
May 21. By ditto recd. in a letter to Diehl³ ............... 250. 00
By Interest on $57. from 4th January 1820 to the
24th Feb 1826. 6 years 1. mo. & 20 days .... 20. 99
By Interest on $51.2/100 from the 25th January
1820 to the 24th Feb 1826. 6 yr 1 mo ....... 18 61
February 24, 1826

By Interest on $250 from 21st May 1824 to the 24th Feby 1826. 1 yr. 8 & 28 days .................. 26. 25

$729. 57

1826.

February 24  By Balance due H Clay as pr. debit $324—37

ADS by Andrew F. Price. Fayette Circuit Court, File 665 (1828). Annexed to statement by Andrew F. Price, commissioner, also dated February 24, 1826, certifying that he had on this date at the office of (Robert) Wickliffe and (Benjamin) Warfield adjusted the accounts in the suit of Henry Clay against Leonard Jacoby's assignees. Cf. above, III, 796-97. Wickliffe and Warfield had announced formation of their partnership in February, 1825.

1 First name not clear; possibly Bernard Gaines and John M. McCalla.
2 Probably Charles S. Todd.
3 Thomas Diehl.

DIPLOMATIC NOTES February 24, 1826

To Charles R. Vaughan. Transmits, in relation to the subject of Vaughan's note of December (21), 1825, a letter from the Secretary of the Treasury (above, Rush to Clay, February 18, 1826). Encloses also copies of letters between (Richard) Rush and (William) Huskisson (see above, Rush to Secretary of State, March 5, 1825, note) and between the Secretary of State (John Quincy Adams) and (Henry U.) Addington, "in the commencement of the last year," which reveal a conflict in the interpretation of British "revenue laws in their operation on American Steamboats, or American vessels in ballast, arriving in British Colonial ports." Huskisson ruled that such vessels were exempt from duty; Addington ruled otherwise; and Addington's construction "prevails at St. Johns in New Brunswick. . . ." Declares that the United States is "ever ready to keep pace with any foreign Government in the practical application of principles of liberality"; that Congress is now considering modification of the revenue laws "so as to admit to entry, without the payment of tonnage duty, British Steam vessels and other British vessels in ballast, above fifty tons burthen, arriving from Colonial ports"; and that, if the law should be modified, British vessels will be "admitted accordingly, upon effect being given to" Huskisson's ruling. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 250-52 (M38, R3). AL draft, in CSmH. Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 74-76. On the pending legislation, see above, Lloyd to Clay, February 20, 1826.

INSTRUCTIONS AND DISPATCHES February 24, 1826

From Alexander H. Everett, Madrid, no. 25. Reports an interview, "on the American business," with the Russian Minister (Pierre d'Oubril), who was not "perfectly frank upon every part of the subject, and . . . labors under very erroneous impressions as to the probability or possibility of the recovery of the Colonies." Notes D'Oubril's statements that he had received no new instructions in this connection, that he had held "little particular communication" with the Spanish Government since delivering to Zea (Bermudez) copies of Clay's dispatch to Middleton (above, May 10, 1825) and of Nesselrode's answer (Middleton to Clay, September 8, 1825), that at that time he had told Zea that the Emperor (Alexander I) "did not feel himself at liberty to interfere without an invitation from the King (Ferdinand VII) but
would always be willing to accept an invitation to offer his advice and good offices, that no such invitation had been extended, that he was not authorized "to advise a pacification upon the terms of an acknowledgement of the independence of the Colonies or in fact to recommend any precise course of proceeding," but that "he had often taken occasion" to urge "that something should be done." Believes that D'Oubril, despite his unwillingness "to explain himself fully," has nothing better in mind than "an offer of mediation by the Emperor on a basis similar to the one contemplated by Great Britain in her proposal of last year, that Spain should recognize the Colonies as independent States on condition that they should adopt a Monarchical Govt. under Princes of the Bourbon family." States that he is "induced to think with Mr. [Frederick J.] Lamb," that D'Oubril encourages Spanish officials "in regard to recovering the Colonies or at least of retaining an influence over them in one way or another." Reports having been told by "The Sicilian Ambassador Prince Cassaro . . . as a great secret" that the King's "brother and heir apparent Don Carlos, is the great obstacle in the way of a pacification. . . ." Acknowledges reception of Clay's "despatches Nos. 3 & 4 . . ." LS. DNA, RG59, Dip. Disp., Spain, vol. 25 (M81, R27). Received April 22. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2107-11.

MISCELLANEOUS LETTERS  
February 24, 1826

From Jonathan Warner, Saybrook (Connecticut). Requests information concerning "a settlement with the Swedish government on the claims of American citizens": notes his own claim, of which he has heard nothing since 1809, in the case of the Matilda, taken from the harbor of St. Bartholomew by French privateers in 1799. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on cover by Clay: "Mr Brent will be pleased to collect the information for an answer." Warner was one of the owners of the Matilda, for which compensation of $23,947.33 was paid in 1836 under the terms of the United States treaty with France of July 4, 1831, in settlement of outstanding claims.

APPLICATIONS, RECOMMENDATIONS  
February 24, 1826


Clement Dorsey, although "personally unacquainted with him," recommends Edward Taylor for "the appointment, which he seeks." ALS. DNA, RG59, A. and R. (MR4). Enclosed in Taylor to Clay, February 27, 1826. See above, Taylor to Clay, February 23, 1826. Dorsey, a Maryland lawyer and later in life, judge, was a representative in Congress from 1825 to 1831.

John Thompson, encloses a recommendation from the members of the Ohio State Senate and House of Representatives for the appointment of Judge (Thomas) Scott to the United States Supreme Court. Adds his own endorsement of Scott. ALS. DNA, RG59, A. and R. (MR3). The recommended appointment was not made. Thompson, a native of Ireland who had come to the United States as a boy, had begun practice of medicine at New Lisbon, Ohio, in 1806, had served in the State legislature from 1814 to 1829, and was now a member of the United States House of Representatives (1825-1827). Defeated for re-election in 1826, he was returned to Congress in 1829 and held his seat until 1837.

INSTRUCTIONS AND DISPATCHES

February 25, 1826

From James Brown, Paris, no. 47. Encloses a copy of a letter from (Jean Baptiste) Jullien "relative to a person named [François] Justrobe, who formerly resided in Charleston, South Carolina, and who is represented as having absconded from that city considerably indebted to the Custom-house, and settled in France"; states that he promised to send "the intelligence" to Clay "in order that the proper examination into the facts might be made." LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received April 7. The enclosure, written from "Beaumont-de-Lomage, chef lieu de Canton, Département du Tarn et Garonne," reveals Jullien as "avocat et ancien magistrat." He was also prominent as a genealogist and biographer. Justrobe not further identified.

From Charles D. Coxe, Tunis, States, in explanation of the delay in transmitting his accounts, that upon his appointment as consul he and the Secretary of State (John Quincy Adams) had decided to make the customary presents to the local princes in the form of American manufactures, of which he has only recently obtained a sufficient quantity; encloses a copy of a letter to (John) Rodgers, whom he has asked to forward it "to Government." ALS. DNA, RG59, Cons. Disp., Tunis, vol. 5 (M-T303, R5). Received September 6. In the enclosure, dated October 15, 1825, Coxe charges that (Samuel D.) Heap, without proper authority, "had entered into an agreement with this Government to alter" certain provisions of the treaty between the United States and "this Regency."

From R. Poinsett, Mexico, no. 37. Reports that the Mexican Chamber of Deputies has postponed consideration of a Senate resolution authorizing a joint Mexican-Colombian expedition against Cuba, "until the Executive could submit to the consideration of Congress the plans which may be agreed upon at Panama." LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Endorsed by Clay: "To be submitted to the President." Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1653.

From Frederick Jacob Wickelhausen, Bremen. Reports that "outgoing cargoes to Bremen which chiefly consisted in Maryland leaf Tobacco and in Rice, have in general given a favourable account, but on all other articles of exportation, considerable losses have been experienced," the latter condition resulting from the "entire stagnation in trade." Notes that "exports from this City to the United States have been pretty considerable and chiefly of German manufactures," that "the demands for these articles in the United States, did not keep pace with the supplies," and that, because of the nearing expiration of the period in which a drawback could be collected upon re-exportation, "it is apprehended that a large quantity of them must be exported again, only in order
to safe [sic] the Drawback. . . ." Suggests an extension of this term. Comments upon "A new article of exportation from this country to the United States . . . Merino Sheep," which have brought high prices at Boston. ALS. DNA, RG59, Cons. Disp., Bremen, vol. 1 (M-T184, R-T1). Received April 8.

The limitation upon the period within which goods might be re-exported with drawback on the tariff was twenty days from the date of entry. 3 U. S. Stat., 314 (April 27, 1816); 4 U. S. Stat., 29 (May 22, 1824).

**MISCELLANEOUS LETTERS**

February 25, 1826

To JAMES HAMILTON, JR., "H. R." Acknowledges receipt of his "Note of yesterday, transmitting a recommendation of Mr. Toler [possibly Taylor—cf. above, Taylor to Clay, February 23, 1826] as Consul of Laguira," both of which will be submitted to the President. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 280 (M40, R19). Neither of the cited documents has been found. The recommended appointment was not made.

From JAMES [Joseph] BARCLAY, Philadelphia. Forwards, at the direction of "The Philadelphia Society for Alleviating the Miseries of Public Prisons," notices of "Efforts to improve the Discipline of the Prison at Philadelphia and to reform the Criminal Code of Penn [sic] . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). Barclay was an attorney, book collector, and philanthropist. The organization for which he here acted had been formed in 1787 and, subsequently renamed as the Pennsylvania Prison Society, continues to recent date.

**APPLICATIONS, RECOMMENDATIONS**

February 25, 1826

H[ENRY] H. GURLEY, Washington, announces transfer of ownership of the Baton Rouge Gazette from William Grivot to Stephen Henderson, Jr., and requests "that he may be authorized to continue the publication of the Laws . . ." ALS. DNA, RG59, P. and D. of L. The new owner has not been further identified. On February 28 (William) Browne sent Henderson a copy of the instructions for publication of the laws, which he was to consider as extended to himself. DNA, RG59, Dom. Letters, vol. 21, p. 281 (M40, R19).

Gustavus H. Scott, Pleasant Valley, Fairfax County, Virginia, solicits employment to enable him to support and educate his children. ALS. DNA, RG59, A. and R. (MR3). Scott not further identified; on his appointment, see below, Clay to Scott, March 8, 1826.

**APPLICATIONS, RECOMMENDATIONS**

February 26, 1826

Robert H. Goldsborough, Annapolis, solicits aid in "An application . . . to the President . . . for a birth [sic] at West Point for Young Tench Tilghman, the Grandson of the late Col. Tench Tilghman of the Continental army." ALS. DNA, RG94, U. S. Military Academy, Cadet Applications, 1824/148. Endorsed by Clay: "Submitted, with the recommendation of H. C. in behalf of young Tilghman to the Secy of War H. C." Goldsborough, a native of Talbot County, Maryland, had served in the Maryland House of Delegates in 1804, in the United States Senate (1813-1819), and, again, in the house of delegates in 1825. He had been a militia officer in the War of 1812. He returned in 1835 to the United States Senate, where he sat until his death, the next year.
Young Tilghman entered the Military Academy in July, 1828, was graduated in 1832, and was brevetted a second lieutenant of artillery. He farmed near Oxford, Maryland, until his death but served in the State militia from 1836 to 1861, when he resigned, with the rank of major general, to serve in the Confederate Army throughout the Civil War. He held minor appointments as consul at Mayaguez, Puerto Rico, from 1849 to 1850 and as collector of customs at Oxford from 1857 to 1860.

His grandfather Tilghman, graduated from the College of Philadelphia (University of Pennsylvania) in 1761, had been a Philadelphia merchant, secretary and treasurer to the Continental Congress, and, from August, 1776, through the Revolution, aide-de-camp to George Washington. He is famous as the messenger who carried to the Continental Congress announcement of the British surrender at Yorktown.

DIPLOMATIC NOTES

February 27, 1826

From Christopher Neale, "Brazilian Vice Consulate Alexandria" (District of Columbia). Proposes, without having been "distinctly instructed by the Government of Brazil," that the United States make "a prompt offer of mediation" to Brazil and Buenos Aires in an effort to bring their war to an end. Asks early attention to his request in order that he may lay Clay's views before the Brazilian Minister (José S. Rebello). ALS. DNA, RG59, Cons. Correspondence: Notes from Consuls, vol. 1.

From Charles R. Vaughan, Washington. Acknowledges receipt of Clay's note of February 24, expresses regret at the result of Clay's inquiries, and states that he will lose no time in transmitting the note to his own government. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in Manning (arr.), Diplomatic Correspondence... Canadian Relations, II, 500.

INSTRUCTIONS AND DISPATCHES

February 27, 1826

From James Brown, Paris, no. 48. Acknowledges receipt of Clay's "No. 1" (above, January 19, 1826) and promises to "lose no time in endeavoring to obtain" the desired papers. LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received April 7.

From John Shillaber, Batavia. Reports that "nothing decisive has taken place between the Dutch & Insurgent's [sic]" (see above, Shillaber to Clay, September 18, 1825); that, despite the proclamation of the King (William I) that the Netherlands Trading Company should not enjoy a monopoly, private competition is being placed at a disadvantage; that, after seven years on the island, he wishes to visit the United States and upon his return to obtain authority to negotiate trade agreements with some of the independent native rulers. Suggests the desirability of a voyage by an American national ship to those waters; encloses a list of ports of the Netherlands East Indies open to foreign trade; and states that war between England and Burma reportedly has ended with the payment by the latter of a large sum of money. ALS. DNA, RG59, Cons. Disp., Batavia, vol. 1 (M-T95, R1).

The Netherlands Trading Company had been organized in 1824 under royal auspices and with a large stock subscription by the royal family. Originally formed from specifically commercial motives, handling colonial produce on consignment for sale in Europe, the company became increasingly involved
in investment in colonial enterprise and, between 1860 and 1880, operated primarily as a Far Eastern banking concern.

**MISCELLANEOUS LETTERS**

February 27, 1826

From Thomas H. Benton, “Senate Chamber.” Transmits, at the direction of “The Senate’s Committee on the reduction of Executive patronage,” a copy of a resolution. ALS. DNA, RG59, Misc. Letters (M179, R64). The enclosure requests heads of departments to supply information relative to the number of their employees; “the number and description of appointments annually made”; the amount expended for salaries, distinguishing between the “compensation prescribed by law, and that which is fluctuating and dependent on the will of the President, or the Officer at the head of either of the Departments”; and the amount expended for printing “for the last three years, and ... during the present year; with a list of the public Newspapers in which the laws and advertisements have been inserted by authority, and of those selected for that purpose for the present year.”

From James H. McCulloch, “Custom House Baltimo.” Transmits a letter received from the United States consul at Buenos Aires (George W. Slacum) relative to “certain proceedings” of Captain (John) Jones of the Clara and encloses information, which, he believes, exculpates Jones. ALS. Ibid.

**APPLICATIONS, RECOMMENDATIONS**

February 27, 1826

William Radcliff, Washington, transmits a recommendation from L(ewis) Condict, supporting Radcliff’s application for appointment as consul to Panama. LS. DNA, RG59, A. and R. (MR1). See above, Radcliff to Clay, January 25, 1826, note.

Philip Robinson, Curacao, reports the death of Cortland L. Parker; solicits appointment as his successor. Robinson is “a native of the United States ... [who has] resided in this colony about three years.” ALS. DNA, RG59, A. and R. (MR3). Robinson, of South Carolina, received the appointment in March, 1826, but resigned the following year.

Edward Taylor, Fairfax near Alexandria, transmits letters of recommendation in support of his application (above, Taylor to Clay, February 23, 1826) for appointment as consul at La Guaira. ALS. Ibid. (MR4). Taylor lists ten letters, including those, above, from Kent, October 1, 1825; from Semmes, November, 1825; and from Dorsey and Taliaferro, February 24, 1826.


**From Lafayette**

My dear Sir

Paris February 28h, 1826

Your letter of the 13th December is the last I have received from You. I know Your Avocations, But whenever You have time to drop
February 28, 1826

a few lines they will Be Received with the grateful feelings of patriotic intense and personal friendship.

My Hopes of Greece Have Not Been disappointed. they still fight and often Conquer, abandoned as they Have Been By all, and attacked [sic] or Betray'd By Many of the christian powers. it Seems now that England Regrets not to Have Been More Generous Before an Unforeseen and Extensive Conspiracy in Russia May Make it a Matter of Necessity for Emperor Nicolas to Wage War Against the turks.\(^1\) the western powers would like to patch Up Some Arrangement favourable to the independence of Greece that they may not Be dependent on the Russian Empire. I wrote to You Some private exertions were taking place, from only one part of the french Greek Committee, in favour of duke d'orleans's Second Son.\(^2\) Now the duke Himself does not deny it, But I doubt His obtaining a Sincere Support from the Court of the Tuileries. Under those Circumstances I still More lament the Misfortune that Has deprived poor Somerville\(^3\) of the pursuit of His Mission, and I wish a respectable American Squadron May appear Again in those Seas. My Notions of the Moral influence of the people of the U.S. are lofty and extensive, I confess; But at least, I would Sadly Regret if it were not fully exercised at the Congress of panama, and in Every Concern of South America. it would Be in My Opinion leaving the field to the intrigues of European Monarchy and Aristocracy. Nor Can I Be Easy until the throne of Brazil is No More.

present my Affectionate Respects to Mrs Clay and family, to the president and family, to your Colleagues in the Cabinet, to all friends. Receive those of my Son and le Vasseur,\(^4\) and Believe me for ever Your affectionate Sympathising friend LAFAYETTE

Will you please to forward the inclosed to our young tennesean friends.\(^5\)

ALS. ICU.  
\(^1\) Cf. above, Brown to Clay, January 13, 23, 1826.  
\(^2\) Letter not found; but cf. above, Somerville to Clay, October 11, 1825.  
\(^3\) William C. Somerville.  
\(^4\) George Washington Lafayette; Auguste Levasseur.  
\(^5\) Probably Frances and Camilla Wright.

DIPLOMATIC NOTES

From the Baron de Mareuil, Washington. Expresses his desire to have assisted, as an individual or as Minister of France, at the funeral of (John) Gaillard upon receipt of a proper invitation addressed to him in either capacity; declares his inability “to admit even the supposition of the classification” indicated in the newspaper advertisement of the ceremony; and states that he writes this letter in order to place it on record in the archives of the French Legation “as a formal evidence of its conduct on this occasion.” LS in French, with translation in State Department file. DNA, RG59. Notes from French Legation, vol. 9 (M58, R7). Gaillard had died on February 26. The order of procession advertised for the ceremony had placed “Foreign Ministers” near the end, fol-

From the Baron de Tuyll, Washington, “Private and confidential.” Inquires respecting “answers to the two overtures made at the end of last year” (see above, Clay to Tuyll, December 26, 1825); states his desire, as soon as possible, to communicate “the purport of those answers” to his government and to the Russian Ambassador at London (Prince von Lieven). AN. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated “February 16/28 1826.”

To the Baron de Tuyll. States, in reply to Tuyll’s note of this date, “that no answer has been yet received to the overtures referred to . . . ; and that whenever an answer shall be received the Baron, shall, without delay, be apprised of the fact.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 252 (M38, R5). AN draft, in CShH.

INSTRUCTIONS AND DISPATCHES February 28, 1826

From Richard C. Anderson, Jr., Bogotá, no. 37. Acknowledges receipt of Clay’s letter of December 30, with its enclosures. Notes that “the meditated naval expedition from Carthagena” is not ready to sail and that the information given him by Clay is “very seasonable at this time.” ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received April 11.

From W[illiam] Tudor, Lima, no. 35, “Confidential.” Reports having been informed that the levying of an additional duty on American cotton goods, mentioned in his dispatch of June 12, 1825, has been deemed inexpedient “& instead of it a discrimination has been made by valuing American cotton cloths . . . at double the amount” of similar goods from England, India, or elsewhere. He has made no protest, because of lack of authority and because American manufactures still sell at a fair profit. Notes that “The general aspect of the trade of the U. S. with this country is at least as favorable as that of other nations” but that “The trade of the French & Dutch appears to be increasing . . .” Though France has no agent here, she has “made known to the governments of Chile & Peru an offer” of her King (Charles X) to transport a number of youths to his country, educate them, and return them home, entirely at his expense. Comments on the surrender of Chiloé (see above, Allen to Clay, December 2, 1825, note) and of Callao (see above, Allen to Clay, February 23, 1826). States that (José María de) Pando has been appointed Minister of Foreign Affairs; that (Hipólito) Unánue at present holds this office as well as acting Presidency of the Council of Government; that a quorum is not yet present for the congress that was to have met last month; and that the refusal of General (José de) Lamar to be considered for the Presidency, on account of ill health, made it difficult for (Simón) Bolivar to find a candidate “who would unite a majority in his favour.” Comments upon the finances of Peru and the trial of an accused traitor, (Juan de) Berindoaga, Count de San Donás. Adds, on March 6, the substance of a rumor, which he thinks may have some foundation, that “Bolivar will be elected President, & . . . will nominate a Vice President, who will exercise the executive power. . . .” ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received May 20. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1785-86.

Hipólito Unánue, born in Arica and educated for both the clergy and
MARCH 1, 1826

medicine, had been named Court physician of Peru in 1807 and had remained honorary doctor of the Court until 1820, when he had been named secretary to the negotiators meeting with San Martín. Dr. Unanue had then espoused the Patriot cause, serving in 1824 as Chancellor of the Exchequer and subsequently as president of the Council of Government. He had been named by Bolivar to conduct the duties of president pro tempore, vice-president ex officio, and Minister of Government pending organization of the constitutional authority. Bolivar to Unanue, July 28, 1825, in Vicente Lecuna (comp.) and Harold A. Bierck, Jr. (ed.), Selected Writings of Bolivar (2 vols., New York, 1951), II, 522.

Juan de Berindoaga, Count de San Donás, who had been a follower of San Martín and an early advocate of Peruvian independence, had been Minister of War in 1824 and Minister of State the following year. In the latter capacity he had been attempting to negotiate with the Spanish military commander, relative to reconciliation, when Spanish victories led to the temporary recovery of Lima and defeat for the Patriots. Bolivar suspiciously implied that Berindoaga had committed treason and caused his arrest as he attempted to leave the fortress of Callao.

MISCELLANEOUS LETTERS

February 28, 1826

To John Quincy Adams. Submits, at the request of (Dominique) Bouligny, "the enclosed papers" (not found). AN. MHi-Adams Papers, Letters Received (MR474).

From Samuel L. Southard, "Navy Department." Transmits copies of seven recent letters, with enclosures, from Isaac Hull relative to American interests in Peru and Chile. LS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS

February 28, 1826


INSTRUCTIONS AND DISPATCHES

March 1, 1826

From Richard C. Anderson, Jr., Bogotá, no. 38. Encloses "letters from the Secretary of foreign Relations" (Joseph R. Revenga) respecting the claims in the cases of the Mechanic and the Paloma (see above, Anderson to Secretary of State, March 18, 1825, note); expresses unwillingness to allow the answer in the case of the Mechanic to stand but, without further instructions, is uncertain of his next step; considers the rejection in the case of the Paloma to be final. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received May 1.

From John M. Forbes, Buenos Aires, "Private & Confidential." Transmits correspondence between himself and (George W.) Slacum, whom he charges with malice and folly and with having fallen under the influence of "Wm. P. White, well known to our Government by the reports of our Commissioners in 1818" (see above, II, 618-19n); questions Slacum's ability "under such auspices . . ."
to perform the limited duties now Confided to him..." ALS. Ibid., Argentina, vol. 2 (M69, R3). Received May 26. Published in Espil (comp.), Once Años en Buenos Aires, 416-17.

APPLICATIONS, RECOMMENDATIONS March 1, 1826


SAMUEL MARKS, JR., Philadelphia, requests the transfer of his partner, Abraham B. Nones, consul at Maracaibo, to the consulate at La Guaira. ALS. DNA, RG59, A. and R. (MR3). Marks, born in Shepherdstown, Virginia, was a merchant of Alexandria.

THOMAS NEWTON, JR., recommends Abraham B. Nones to be consul at La Guaira. ALS. Ibid.

J[oseph] B. Nones, Philadelphia, recommends the transfer of his brother, Abraham B. Nones, from the consulate at Maracaibo to that at La Guaira. ALS. Ibid.

SAMUEL SMITH recommends (Samuel D.) Forsyth for appointment as consul at La Guaira. ALS. Ibid.

JOSEPH VANCE, "House of Representatives," encloses a recommendation for the appointment of Thomas Scott as circuit judge. ALS. Ibid. (MR3). The enclosure, dated March 1, is signed by eleven members, from the sixth and eighth judicial districts, of the Ohio Legislature. Cf. above, Hammond to Clay, January 4, 1826.


Nearly half of these signers were young men, born in or near Lexington, educated at Transylvania University, and in their early years as practicing lawyers. Hickey, a son of Simon Hickey, became a judge of Fayette Circuit Court in 1836. Madison Conyers Johnson, born in Scott County, became a director of the Northern Bank of Kentucky in 1837, its president in 1858, and a member of the Kentucky Legislature in 1853 and 1857. Charlton Hunt, a son of John Wesley Hunt, served from 1832 to 1839 as the first mayor of the City of Lexington and is credited with establishing the Lexington public school system. Harry Innes Bodley, son of Thomas, was at this time clerk of the Lexington board of trustees and subsequently served many years as a town councilman and clerk of the Fayette Circuit Court. Richard Allen Curd, a native of Jessamine County and a son-in-law of John W. Hunt, achieved prominence as an attorney before his death, in his mid-thirties. Robert Wickliffe, Jr., son of the "Old Duke," became a member of the Kentucky Legislature, serving from Clark County in 1832 and from Fayette, 1835-1837, and was Chargé d'Affaires for the United States in Sardinia from 1843 to 1847.

On the rivalry for the recommended appointment, cf. above, Blair to Clay,
MARCH 2, 1826

January 30, 1826; below, Clay to Hammond, April 19, 1826; Clay to Boyle, October 20, 1826.

To Adam Beatty

My Dear Sir

Washington City 2d. March 1826

I duly recd. your favor of the 20h. Ulto.¹ In the event of your having to issue an execution agt. Genl. Bodley and Poague, I wish it issued for the full amount of the Judgment; for I cannot admit, without more investigation, at this distance, the justice of the fee bills which he claims. If any of them should be right, I have other demands against Genl. Bodley.²

The successor of Judge Todd³ is not yet appointed; nor do I believe that the President has fixed on him. On the contingency to which you refer, I will communicate your wishes to the President, adding such testimony as I shall take pleasure in rendering in your favor;⁴ but I think you should not indulge any very sanguine expectation of success, as the competition will be very great.

I am Cordially Your friend H. CLAY

Adam Beatty Esq

ALS. Owned by Earl M. Ratzer, Highland Park, Illinois.

¹ Not found.

² Cf. above, Clay to Beatty, June 30, September 24, 1825; Beatty to Clay, September 13, 1825.

³ Thomas Todd.

⁴ Cf. above, McConnell and others to Clay, February 17, 1826.

INSTRUCTIONS AND DISPATCHES

March 2, 1826

From Robert Monroe Harrison, Antigua. Acknowledges receipt of Clay’s letter of October 8; notes that, under “The act regulating the trade of the Colonies,” effective January 5, “all fees of office have been abolished on Shipping except the Admeasure of vessels, whose charge is from $12 to $16”; suggests approaching the British Government in regard to the lack of power of colonial magistrates to force deserting seamen to return to duty; and refers to “the folly of the British Government” in taxing imports “so high as to Amount to a prohibition.” States that he is “truly tired of the West Indies,” after twelve years residence there, and solicits appointment to a collectorship or other place in the United States. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received March 28. On Harrison’s request for reassignment. cf. above, Harrison to Secretary of State, March 10, 1825, note.

MISCELLANEOUS LETTERS

March 2, 1826

To Bartlett Yancey, “North Carolina (Confidential).” Offers him an appointment as Chargé des Affaires to Peru; points to the growing “commercial relations with that republic” and to claims of American citizens against it as factors giving “the mission, at this point, peculiar importance.” Copy. DNA, RG59, Dip. Instr. vol. 11 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).
Yancey declined the appointment by letter dated March 20, 1826. ALS, in DNA, RG59, Dip. Disp., Peru, vol. 1 (M-T52, R-T1).

APPLICATIONS, RECOMMENDATIONS
March 2, 1826


DIPLOMATIC NOTES
March 3, 1826

To [Jose Silvestre] Rebello. Transmits documents, received from the United States consul at Buenos Aires (see above, Slacum to Clay, November 5, 1825), relative to the "most wanton outrage" committed on the brig Henry by the blockading squadron under (Rodrigo José Ferreira) Lobo. By direction of the President, demands "of the Brazilian Government that Commodore Lobo be brought to condign punishment for the injury which he has thus inflicted on the property and persons of citizens of the United States, and that full indemnity be made for all damages which have been occasioned thereby." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 252-53 (M38, R3). AL draft, in CSmH.

INSTRUCTIONS AND DISPATCHES
March 3, 1826

From Rufus King, London, no. 24. Recalls that he had been authorized "to adjust by compromise, the Questions arising under the Convention with Russia," that he had "made repeated efforts to effect the same," and that "unexpectedly, and without notice, the Negotiation was removed to ..." Washington (see above, King to Clay, February 13, 1826). States that he has taken no notice "of the transfer of the Negotiation, tho' it implies a defect of confidence in the Envoy, which he feels to be wholly unmerited—" Reports no progress "In regard to other matters, to which his powers extend. . . ." LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received April 8.

To James Lloyd

James Lloyd Esqr. Senate U. S.

Dear Sir,

Department of State, Washington, 4th. March 1826.

In reply to your Note of the 20th. ultimo, I now have the honor to transmit to you a copy of the correspondence which has passed with the British Government, in respect to the exemption of American Steam Vessels and Vessels in ballast from tonnage duty in the British Colonial ports. Although as far back as the 4th. of last March Mr. Huskisson assured Mr. Rush that orders would be given to exempt our Vessels of the above description from the payment of tonnage duty, it appears from the Letter of Mr. Bartlett that the intention has not. [sic] been carried into effect. There can be, however, I apprehend but little doubt that the assurance given to Mr.
Rush will be executed. I submit to you whether it would not be expedient to vest the President, on that contingency, with a power to extend a corresponding exemption to similar British Vessels arriving from British Colonial Ports in the United States.

On the subject of mutually abolishing all discriminating duties in the trade with the British Colonies, I should like to have half an hour's conversation with you at such time, suiting your own convenience, as you may designate—

I am, respectfully, Yr. obedt. Servt. H. Clay.

P.S. Be pleased to consider the papers as unformally [sic] sent for the perusal of yourself and the Committee.


1 Cf. above, Clay to Vaughan, February 24, 1826.
2 See above, Bartlett to Clay, November 2, 1825.
3 See above, Lloyd to Clay, February 20, 1826, note.

From Peter B. Porter

Dear Sir, Albany March 4th. 1826.

I thank you for your favour of the 22d. Ult. which reached me at this place, where my stay has been unexpectedly protracted.

Your account of the state of affairs at W. corresponds, very nearly, with the flying information we have received. The course of Mr Van Buren has been pretty distinctly indicated by the recent movements of his confidential friends in this place. I know, personally, the fact, that a negociation has been going on for some time, between Mr. Clinton & a shrewd political manager,1 who is in the confidence of, & perfectly understands the views of Mr V. B. What the terms or object of it are; or, indeed, whether they have at present, any distinct & definite object, I do not know. Mr. C. finds himself in a decided minority, & V. B. has lost much of his influence with the republican party by his course in regard to the late presidential election; and they may probably both be desirous of effecting a change, for the purpose only of affording to each, a chance of placing himself on more commanding ground. That the negociation is sincere, & the coalition desired by Mr. C. I have no doubt, but I have some, whether it is so on the part of V. B's friend, & whether, after leading C. on to a certain extent, he will not deem it expedient to abandon him. If, however, this unnatural coalition should be consummated I think it will prostrate them both, as they could carry with them only the rotten part of their former adherents.

There is, I find, a good deal of dissatisfaction among Mr. Adams' friends (Clinton & his partizans never were his friends) in regard to the selections he has made for office in this State. The nomination of Mr Clinton, Mr King & Mr Conklin,2 which are almost the only ones
calculated to excite any interest, have greatly disappointed their expectations. I believe, however, that a strong, & probably a successful effort will be made, before the close of the present session of the Legislature, to unite & consolidate the old republican party. And that, as regards their relations with the general Government, they will hold themselves aloof, & in readiness to act as circumstances may hereafter render expedient. The disposition unquestionably is, to sustain the present administration, if a correspondent feeling shall be manifested on its part.

I shall leave this on Monday for home where it would give me great satisfaction to hear from you. Before leaving, however, I shall make a draft in favour of the Mechanics & Farmers Bank, on acct. of my salary & the expenses of our Boundary Commission for the present year.

I remain most respectfully & sincerely yours          P. B. Porter
Hon. Henry Clay.

ALS. DLC-HC (DNA, M212, R2).


2 Rufus King; Alfred Conkling.

3 Northern Boundary Commission.

INSTRUCTIONS AND DISPATCHES
March 4, 1826

From John M. Forbes, Buenos Aires, no. 33. Reports passage of a general law, "still under discussion by articles," for nationalizing the city of Buenos Aires; fears that this action, though having a tranquilizing effect on the city, "will prove the germ of a new Civil war among the Provinces." LS. DNA, RG59, Dip. Disp., Argentina, vol. 2 (M69, R3). Received May 23. Published in Espil (comp.), Once Años en Buenos Aires, 417-18.

From Robert Montgomery, Alicante. Reports that a small force, under "Brigadier General, Dr. Antonio Ferrandiz Bazañ, landed from Gibraltar" and was captured "by large masses of regular troops, royalist militia and armed peasants"; that many died fighting; that the survivors are being executed; and that "A new scene of persecution has now commenced against all those who are suspected of being attached to liberal principles. . . ." ALS. DNA, RG59, Cons. Disp., Alicante, vol. 1 (M-T357, R1). Received May 8. Bazañ, Spanish liberal politician, failing in this effort to restore constitutional government, was shot on March 4.

MISCELLANEOUS LETTERS
March 4, 1826

From Andrew Hull (Jr.), "District of Connecticut Marshals office." Acknowledges receipt of Clay's letter of February 8, which was directed to Andrew Hull, Jr., Stratford, rather than "to Andrew Hull, of Cheshire Marshal"; states that he will call upon Judge (Pierpont) Edwards, whose "faculties of body and mind," however, are "so impaired as to disqualify him to transact any public
business”; suggests that one of the judges of the Connecticut Superior Court be authorized to take his bond. ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS

March 4, 1826

DeWitt Clinton, Albany, recommends James Fenimore Cooper, who “is desirous of a Consular appointment and . . . prefers a station on the Mediterranean.” James Fenimore Cooper (ed.), Correspondence of James Fenimore Cooper, edited by his grandson (2 vols.; New Haven, 1922), I, 97. For the appointment of Cooper, famous American novelist, see below, Clay to Cooper, May 26, 1826.

INSTRUCTIONS AND DISPATCHES

March 5, 1826

From Charles Barnet, Antwerp. Requests confirmation of his action relative to a discharged mate of the American ship, Sally, of Salem; notes the lack of detail in consular instructions to give adequate protection to American officers and seamen against masters who take advantage of local laws abroad, especially as regards imprisonment of sailors, “the local authority giving that privilege to masters of Vessels and getting by it a large fee.” ALS. DNA, RG59, Cons. Disp., Antwerp, vol. 1 (M-T181, R-T1). Barnet, of New Jersey, probably the son of Isaac Cox Barnet and brother of William A. G. Barnet, was consul at Antwerp from 1823 to 1830, at Venice from 1830 to 1834, and at Genoa from 1834 to 1837.

From Thomas L. L. Brent, Lisbon, no. 16. Encloses an exchange of letters with (Frederico) Torlade; states that he is convinced of the correctness of his explanation, in his “despatch No. 13 of the 19th. [i.e., 9th.] January . . . as to the motives that have influenced this government to again talk of a commercial Treaty with the United States”; expresses doubt that anything “was in fact intended to be done.” ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received April 25.

From Alexander H. Everett, Madrid, no. 26. Transmits “translations of the official papers published by this Govt. in relation to a little disturbance that occurred a short time since near Alicante and was immediately suppressed” (see above, Montgomery to Clay, March 4, 1826). Summarizes conjectures as to the origin and object of “The trifling affair.” LS. Ibid., Spain, vol. 25 (M31, R27). Received June 8.

MISCELLANEOUS LETTERS

March 5, 1826

From D[avid] Kidder. Transmits a letter (not found) from (William D.) Williamson, “a former member of Congress, making certain enquiries which may be important to Maine.” ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: “Mr. Brent will have the paper wanted sought for.” Kidder, a lawyer, was a member of the United States House of Representatives from Maine from 1823 to 1827. He was in the State legislature in 1829. Williamson, now a judge in Penobscot County, Maine (1824-1840), had been born in Connecticut, had been graduated from Brown University (1804), and had begun the practice of law in Bangor, Maine, in 1807. He had been a member
of the Massachusetts Senate (1816-1820) and of the Maine Senate (1820-1821), Governor of Maine (1821), and a Representative in Congress from 1821 to 1823.

APPLICATIONS, RECOMMENDATIONS
March 5, 1826

Mason Brown, Frankfort (Kentucky), recommends Adam Beauty to “succeed Judge [Robert] Trimble in the event of the latter gentleman being placed on the bench of the Supreme Court. . . .” ALS. DNA, RG59, A. and R. (MR1). On the appointment, see below, Clay to Hammond, April 19, 1826.

INSTRUCTIONS AND DISPATCHES
March 6, 1826

From Thomas L. L. Brent, Lisbon. Reports serious illness of the King (John VI), who was thought at one time to be dying, and who has “appointed a Regency composed of his Eldest Daughter, the Infanta Donna Isabel Maria” and four other persons. Continues on March 7 by stating that the King “has had no new attacks” and may live. Encloses a copy of the decree appointing the Regency and bulletins concerning the King’s health. LS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5).

MISCELLANEOUS LETTERS
March 6, 1826

To Thomas H. Benton, “Chairman of the Committee of the Senate for the reduction of Executive Patronage.” Transmits papers containing the information requested by the committee (above, Benton to Clay, February 27, 1826); adds a statement of sums paid by this Department “for Extra-Copying” in 1823, 1824, and 1825. Copy. DNA, RG59, Report Books, vol. 4, pp. 156-57. The letter with the accompanying lists was published in Senate Docs., 19 Cong., 1 Sess., no. 88, pp. 14-45.


From Francis W. Armstrong, “Browns Hotel Washington City.” States, in response to (Daniel) Brent’s letter of yesterday, that the necessity of his making a report is superseded by the arrival of (Henry) Hitchcock with documents from the clerk’s office of the (United States District) Court. ALS. DNA, RG59, Misc. Letters (M179, R64). On March 3, Brent had sent Armstrong, “by direction of the Secretary,” a copy of a letter of December 20, from Brent to the United States attorney for Armstrong’s district (see below, Hitchcock to Clay, this date, note), to which no answer had been yet received, with a request for such information as Armstrong could supply to enable the President to comply with a resolution of the United States House of Representatives, a copy of which document was subjoined (see above, Lewis to Clay, September 29, 1825, note). Armstrong had been further requested to accompany his statement “with a short affidavit” regarding its truth. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 282 (M40, R19).

From James Barbour, Department of War. Transmits a letter from Major (Abraham A.) Massias, concerning a suit, pending in Florida, against him “as
commanding officer of the United States troops in that Territory during the late war with Great Britain,” by Mrs. (John) Cashin, who has also “presented a claim against the Government which covers the claim for which he is sued”; suggests that, if her claim be allowed, payment not be made until her claim against Massias is relinquished. LS. DNA, RG59, Misc. Letters (M179, R64). The enclosure reveals that the claim is for damage to property occupied temporarily by United States troops during the war. Major Massias, a native of New York, had been civil and military commander of Amelia Island during the War of 1812, was now an Army paymaster, and remained in service in the latter capacity until 1842. Mrs. Cashin (name not clear), not further identified.

From H[ENRY] HITCHCOCK, “Browns Hotel, Washington City.” Transmits, in compliance with (Daniel) Brent’s letter of December 20, 1825, copies of records from the United States District Court at Mobile. ALS. Ibid. On December 20, Brent had requested that Hitchcock “with all possible expedition” provide the information needed to enable the President to meet the requirements of a resolution, herewith subjoined, passed by the House of Representatives at the last Session of Congress. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 223-24 (M40, R19). For details of the incident and the Congressional inquiry to which this correspondence relates, see above, Lewis to Clay, September 29, 1825, note; below, Clay to Adams, March 7, 1826; Clay to House of Representatives, March 8, 1826.

APPLICATIONS, RECOMMENDATIONS

March 6, 1826

JACOB BROWN, Washington, recommends, for clerk “or other appointment within . . . patronage,” George Gibbs, “formerly a merchant of New York, and now a resident of St. Augustine.” Copy. DNA, RG59, A. and R. (M531, R3). Addressed to Clay and identified as a duplicate of a letter sent to Samuel L. Southard; Southard’s name is given as addressee at the foot of the letter.

Gibbs, born in England, had also resided some years in North Carolina before removing to Florida, where by 1821 he was collector of customs, pro tempore, at St. Augustine, and acting prosecuting attorney for St. John’s County. In November, 1826, he was clerk of the Superior Court of East Florida, a position he still retained five years later. In December, 1834, he was clerk of what were then denominated St. Johns and Mosquito Counties.

C[ARLES] F. MERCER, Washington, recommends John Littlejohn, formerly of Virginia, “for many years a resident of Kentucky, for appointment as marshal of the Green River District of Kentucky. ALS. DNA, RG59, A. and R. (MR3). Littlejohn had been active as a Jeffersonian Republican in Loudoun County, Virginia, at the turn of the century and had held office as collector of direct taxes and internal duties for that district from 1814 to 1818, when he had resigned. He did not receive further appointment. On the proposed revision of the Federal judicial system, see above, III, 551n: Hammond to Clay, January 4, 1826, note. A second Federal district court was not established for Kentucky until legislation of February 12, 1901 (31 U. S. Stat., 781-83).

To [John Quincy Adams]

Department of State, Washington, 7th. March 1826

The Secretary of State to whom has been referred by the Pres-
identify the Resolution of the House of Representatives of the 10th. February 1826\(^1\) requesting certain information therein described in relation to the mixed American and British Commission, respecting the indemnity due, under the award of the Emperor of Russia, for slaves and other property transported by the British Forces in violation of the treaty of Ghent,\(^2\) has the honor to submit the following Report

1\(^o\). A Copy of the list of Slaves and other private property carried away, which has been submitted to the Commissioners, together with a Statement of the amount of the several Claims, as far as it is practicable to prepare such a statement.\(^3\)

2\(^o\). That no claim has been finally acted upon and allowed by the Commissioners.

3. That none has been finally rejected; and all yet remain to be determined.

4. That "the causes which have delayed the complete adjustment of those claims" are 1st. The time which was consumed in procuring the necessary testimony to establish their amount and validity. And 2ndly. disagreements in opinion between the American and British Commissioners, in the execution of the Commission. One of the questions on which they disagree (that of interest) applies to every claim for indemnity which is presented to the Board. Another extends to all or nearly all of the slaves belonging to Citizens of Louisiana, for the loss of which they claim to be indemnified. These disagreements occurred in the course of the last spring.\(^4\) [Quotes Articles 1 and V of the St. Petersburg Convention.] The American Commissioner\(^5\) has offered, on his part, to give effect to that Article [V] in the several cases in which the two Commissioners have disagreed, by proceeding to designate one of the Arbitrators, in the mode prescribed; But the British Commissioner\(^6\) has declined to concur in the selection of an Arbitrator, upon the ground, taken by him, that the cases on which the Commissioners differ in their judgment are not comprehended in the decision of the Emperor of Russia, and the terms of the Convention. This ground being deemed wholly inadmissible. instructions adapted to the circumstances of the Commission were given during the last spring to the Minister of the United States at the Court of London to bring the subject before the British Government.\(^7\) A negotiation was accordingly opened as soon as was practicable, but at the date of the last despatches from Mr. King (the 25. day of December 1825) it was not brought to a close; and it is now submitted to the President whether the progress which had been then made in it be such as to admit of any other notice of the negotiation than that which is now respectfully presented.
With respect to the enquiry "at what period said Commission will probably terminate" no satisfactory answer can be given. The Commission does not depend upon the sole will of one party, but upon that of two. Its progress is now obstructed by the nonconcurrency of the two Commissioners. That obstacle to the execution of the business and the consequent termination of the Commission can only be removed by a change of opinion of one of the Commissioners, or by the American or British Government operating upon its Commissioner. One of the objects of the negotiation at London is to remove that obstacle; and when that negotiation, the precise duration of which cannot be anticipated is brought to a conclusion, some probable estimate may be made of the subsequent continuation of the Commission. The hope is indulged that the issue of that negotiation may be known here before the adjournment of Congress. 

All which is respectfully submitted

H. Clay.

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From Robert Wickliffe

Lexington March 7th 1826

I fear I shall trespass [sic] too much upon your valuable time in the trouble I give you to read my scrawls. For I have myself time to write little else—. But the importance which I attach to the Selection of the Successor of Judge Todd (in relation both to the nation & the administration) will, I trust be my apology for once more urging the Claims of Trimble.  

between him and all others, that Compete, he has the hight Claim of faithfull & long service in the judiciary of the nation; which Judge Boyle has not, & hence I infer that between Boyle & the gentlemen of Ohio or Tennesse [sic] &c the President will be inclined to indulge his personal preferences— Of Trimbles qualifications with any or all who compete there can be no doubt— Indeed the opposition which is made to him is an evidence of the qualification of integrity at least,— with the Jackson party, here it is Supposed to be victory in the next election to Shut Trimble out, And rely on it much more depends on his appointment than you are aware of. Let the appointment go to Ohio or Tennesse & nothing is gained, to the administration & I fear Kentucky will be lost  The party opposed to the administration
is regularly formed but if it will assist its friends and despise its enemies we will break the coalition to atoms. It is so formed that nothing can be gained by courting of it or by an impartial course on the part of the president it is a coalition against principle and for selfish purposes and the more they are gratified, the more exorbitant & unreasonable will they be,—At present their only hope is to deprive the friends of the administration in the State of its favour & protection, when they effect this—they gratify their own malice & as they suppose weaken its influence upon the patriotism of the State. In making these remarks I am far from wishing the administration to sacrifice principle or to act with a spirit of proscription [sic] but I wish it to defend itself by enabling its friends to act efficiently against the unprincipled combinations against it. What respect you may pay to my opinions when I tell that the adhesion of Kentucky to the administration depends much upon the appointment of Trimble [is] not for me to determine—nor are you to understand me as intimating that the measure will affect either Trimble's immediate friends or myself: but one thing rely on it is wanting in Kentucky & that is, that the administration shall manifest a regard for their friends & a contempt for their enemies. You know that my opinions are formed of the administration from principle alone, I want no favour nor would I accept one were I worthy of it of any administration: but I believe that there is more virtue in the administration than in its adversaries and I should consider the elevation of General Jackson at this time as ruinous to the best hopes of Kentucky. Indeed I have little doubt that it would bring into consequence all those who have contributed most to the disorders of the State—This would result from the nature of his interest here & not depend on himself. The sound part of the State is with the administration & if—as I have stated, if they are not neglected by it, they will sustain it against its enemies.

Yours sincerely

R Wickliffe

ALS. DLC-HC. (DNA, M212, R2). Addressed to Clay.
1 Cf. above, Wickliffe to Clay, January 13, 1826; Blair to Clay, January 30, 1826.
2 MS. torn.

INSTRUCTIONS AND DISPATCHES

March 7, 1826

From Thomas L. L. Brent, Lisbon, no. 17. Encloses copies of a note to the Minister of Foreign Affairs (the Count of Porto Santo), relative to the case of the Osprey (see above, Brent to Clay, July 11, 1825), and of a letter to Israel Hutchinson, agent for the claim; transmits, also, translations of the answers of several European governments to the circular announcing the settlement with Brazil (cf. above, Pereira to Clay, February 15, 1826). States that the King's health is "out of immediate danger" but that "it is very much doubted whether he can live." Encloses a copy of a note from the Count of Porto Santo an-
nouncing that the King has entrusted the government "to the Infanta D. Isabel Maria" and others "during his illness & in case of his death . . . 'until the legitimate heir and successor of the Crown shall give his directions.'" LS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received April 25.

From Alexander Burton, Cádiz. Transmits "a Register in blank and a Mediterranean Pass [for an American vessel], which appear to be forged, or altered from originals." The documents, which Burton obtained by "threat of a criminal prosecution," were "recently purchased at Gibraltar from . . . a native of the United States," now serving as an officer of a Colombian privateer, and "had been offered for sale . . . for four hundred dollars, by one Spanish merchant to another, engaged in fitting out a vessel, supposed to be bound to the Coast of Africa for Slaves." ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4).

**MISCELLANEOUS LETTERS**

March 7, 1826

To [John Quincy Adams]. Transmits documents for the President's use, in response to a House Resolution of February 16, 1825, requesting him to submit records of the United States Court "for the District of Alabama, in relation to the Cargoes of certain Slave Ships, the Constitution, Louisa and Marino, and to communicate especially the fact, whether any of the African Natives, composing part of those Cargoes have been sold within the United States, and, if so, where, when, and on what account," transcripts from the court records and, in addition, copies of letters from the district attorney (then William Crawford), the marshal (Francis W. Armstrong), and the clerk of the District Court of Alabama (Robert Carr Lane). Copy. DNA, RG59, Report Book, vol. 4, p. 146. Cf. above, Lewis to Clay, September 29, 1825, note; Armstrong to Clay, March 6, 1826, Hitchcock to Clay, same date; below, Mercer to Clay, March 18, 1826; Clay to House of Representatives, April 6, 1826, note. For the resolution, see U. S. H. of Reps., Journal, 18 Cong., 2 Sess., pp. 236-37, 241. In October, 1819, Lane had been appointed clerk of Circuit Court for Mobile County, Alabama; he had served as clerk of the Federal district court since its establishment in February, 1821.

To John Forsyth, "Chairman of the Committee of foreign Relations of the H. R." Explains that "The American Government is the proprietor, in fee simple, of a House and lot at the Hague in Holland, purchased, during the Revolutionary war, for the use of the American Ministers," that the house is now "not in a condition to be inhabited," and that "The Bankers of this Department at Amsterdam think it may be sold for a fair value" (see above, Willink and Van Staphorst to Clay, September 13, 1825); requests "that a bill may be introduced vesting an authority to sell and Convey the property." Copy. DNA, RG59, Report Books, vol. 4, p. 148. The proposed legislation was enacted on May 18, 1826. 4 U. S. Stat., 169-70.

**APPLICATIONS, RECOMMENDATIONS**

March 7, 1826

Hon. Henry Clay, Secretary of State,

Sir, Goffstown, N.H, March, 8, 1826,

I take this opportunity to acknowledge your politeness, in transmitting me, an elegant impression of the President's message. At the same time, I wish to state, confidentially, some facts, respecting the conduct and sentiments of the Editor of the N. Hampshire Patriot, & State Gazette, a paper printed at Concord, the seat of government, in this State, by Isaac Hill. He is printer of the Laws of the U.S, which gives much importance & circulation to his paper. Mr. Hill, is a decided opposer of Mr. Adams & his administration; also to Mr Clay, & every step which may look toward his succeeding Mr Adams.

He has, for some time previous to the election of Mr Adams, been an undeviating friend of Mr Crawford. No other man could receive any aid from him for the presidency at that election, & no other man will receive his approbation for the next presidency. He would not attend a public dinner given at Concord, on the day of Mr A's inauguration, nor publish the proceedings in his paper. He did every thing in his power, to procure the nomination of Crawford electors, but failed; to get such chosen, but failed; to influence them after the election, but failed. He has done every thing in his power to render Mr. A's administration unpopular. With him, Mr A's, & Mr Clay, are identified. These are not the feelings of the people. Nine tenths of the citizens of this state, are the friends of Mr A's, and Mr Clay, as his successor. And this will be the case, unless deluded, by his false insinuations. Mr Hill's paper circulates extensively, out of the state, of course not only contaminates the citizens of this state, but of All N. England.

The question is this, had he, under these circumstances, ought to have the printing of the laws of the U.S,? By having this privilege, weight & importance are given to his paper, & he is the better enabled to render the administration unpopular, and injure those whom he is under obligation, from every honest principle, to aid & assist. I say, no; upon no principle whatever. He is now using every influence & engine in his power, to revolutionize this state, in the election of state & county officers, as preparatory to the next presidential election. He was supposed to be friendly to the election of Mr A's, till he took a journey to Washington, some time previous to the congressional caucus. On his return, having ascertained that Mr Crawford's friends would put him in nomination, he said, he should support the regular candidate, vis, the caucus candidate. The fact is, he was evidently secured, while absent, pledged, or bought, to support Mr Crawford. He not only uses his own press to injure
Mr A's, but endeavors to influence every other press in the state to do the same, or destroy the influence & character of those who are favourable. This is a true statement of the character and conduct of Mr Hill, if I can understand him.

There is another paper printed at Concord, "The New Hampshire Statesman & Concord Register"; George Kimball, is Editor—he is an Attorney by profession, a gentleman of a public education, was in the last war and a good soldier—he is a strong friend of Mr A's administration, & will support it in every respect, & Mr Clay as his successor. His paper circulates, almost or quite as extensively, in this state as the Patriot— every object, as it respects the publicity of the laws in this state, would be accomplished, by having them printed in this paper, and a weapon & influence taken from the hand of an enemy of the general government, & particularly, an enemy to your advancement. Mr Hill does not make these exertions against the administration from moral or political principle, for of these he is destitute—no doubt, however, he has his reward.

I need not, Sir, any further express to you, my views or sentiments on the foregoing subjects. I am with high consideration and respect your most Obedt and very Humble Servant,

DAVID LAWRENCE MORRIL.

ALS. DLC-HC (DNA, M212, R2). Morril, Governor of New Hampshire (1824-1827), had practiced medicine from 1793 to 1800; had studied theology, then served as a Presbyterian minister from 1802 to 1811; had resumed medical practice in 1807; and had been a member of the State House of Representatives (1808-1817), the State Senate (1823, 1824), and the United States Senate (1817-1823).

1 The annual message of December 6, 1825.
2 Cf. above, Steele to Clay, November 16, 1825.
3 See above, III, 640, 641n.
4 Not further identified.

INSTRUCTIONS AND DISPATCHES

March 8, 1826

From Thomas L. L. Brent, Lisbon, "Duplicate." Reports the King (John VI) still "in much danger" and a reception of the diplomatic corps by the Infanta Isabel Maria, head of the Regency. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received May 11.

From Benjamin Gardner, Palermo. Notes that "The Quarantine from Boston and Ports to the Eastward is now fixed at 28 days for the Vessels & Crews and 40 for Susceptible Goods in the Lazaretto; Vessels from Ports South of Boston are not admitted," and that the import tax on goods in American vessels continues 10 per cent more than on those in English, French, and Spanish vessels. Acknowledges receipt of his commission as consul and of the consular instructions. ALS. DNA, RG59, Cons. Disp., Palermo, vol. 1 (M-T420, R1).

From J[oel] R. Poinsett, Mexico, no. 38. Acknowledges receipt of Clay's dispatch no. 9, December 30, 1825; reports that he has communicated its contents to the Mexican Government and urged suspension of "any projected expedition against the Islands of Cuba and Puerto Rico." States that he "did not entertain any expectation of producing the effect" Clay seems "to have anticipated from
this communication,” which “was received with great coolness.” Notes that Mexico has no fear of Spain, is indifferent to Spain’s decision relative to “recognition of the new American States,” and apprehends no danger from the Holy Alliance; that “the Executive of this Republic” seems most apprehensive of the possibility that Spain will be compelled, by “the interference of the allied powers,” to recognize the independence of her former colonies in return for a guarantee of her possession of Cuba and Puerto Rico; that the Government of Mexico, fearing the consequences of action by Colombia alone, wishes to cooperate with that Republic against Cuba but that extensive assistance cannot be granted without the consent of Congress; and that emigrés from Cuba, who wish “to raise the standard of revolt” there, “dread the supposed rights Colombia might acquire, by the conquest of Cuba, over that Island. . . .” Encloses copies of his correspondence with the Mexican Secretary of State (Sebastián Camacho) concerning “outrages committed by the Master of the American Brig Nile in the port of Mazatlan. . . .” LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received April 13. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1653-55. The enclosures concern charges that the Nile, George Newell, Captain, had carried on contraband trade at Mazatlan and defied the local authorities. Poinsett and Camacho agree that the United States should appoint a consul or vice consul at that port.

MISCELLANEOUS LETTERS

March 8, 1826

To [House of Representatives]. States, in response to House Resolution of March 2, requesting information on “certain African captives, seized in the Harbor of Pensacola, from on board the vessels the Constitution, Mariano [sic] and Louisa, and, especially, the deposition of Richard I. [sic] Easter, respecting the origin and character of the title of the Spanish claimant to those Africans,” that all the information in possession of the Department of State has been communicated in compliance with the resolution of February 16, 1825, “except the deposition of Richard I. Easter, which has never been received in this Department” (see above, Lewis to Clay, September 29, 1825, note; Clay to Adams, March 7, 1826). Copy. DNA, RG59, Report Books, vol. 4, p. 148. Published in House Docs., 19 Cong., 1 Sess., no. 125, p. 3. For the resolution of March 2, 1826, see U. S. H. of Reps. Journal, 19 Cong., 1 Sess., pp. 296, 305. Richard J. Easter, who had been commissioned an officer in the United States Army as a resident of Georgia and had served from 1813 to 1815 and from 1818 to 1821, when he had resigned with the rank of captain, had begun the practice of law at Pensacola, Florida, in 1822. On the significance of his deposition, requested by the resolution of March 2, see below, Mercer to Clay, March 18, 1826; Clay to House of Representatives, April 7, 1826, note.

To Gustavus H. Scott, “Mulberry Hill, Pleasant Valley P. Office Fairfax County Va.” Offers, by authority of the President, an appointment as “a Bearer of despatches to Bogota, in the Republic of Colombia”; instructs him, if he accepts, to come to Washington immediately and prepare to sail in a few days. Copy. DNA, RG59, Dip. Instr., vol. 11 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7). Cf. below, Clay to Scott, March 14, 1826.

APPLICATIONS, RECOMMENDATIONS

March 8, 1826

Eugene F. Laport, Washington, solicits appointment to a clerkship in the Department of State; states that he is employed at Way and Gideon’s printing
MARCH 9, 1826

office. ALS. DNA, RG59, A. and R. (MR3). Laport, not further identified, received no appointment.


LEWIS WILLIAMS, Washington, recommends George Gibbs "as clerk in some one of the Departments at the City of Washington." LS. DNA, RG59, A. and R. (M531, R3). Unaddressed; probably enclosed in Gibbs to Clay, March 10, 1826.

To Edward Everett

My Dear Sir


I will not deny myself the pleasure of expressing to you, in this way, the very great gratification I derived from hearing your excellent Speech, delivered this day.¹ Judging from my own feelings, and from what I heard from those around me, you have every reason to be perfectly satisfied. I thank you, most cordially, for your successful defence of Free institutions; for, in repelling the charge which mortification and disappointment have fabricated against the H. of R, I consider you as vindicating them. I would add also my acknowledgments for your kind notice of me (and I feel most grateful for it) if all individual consideration ought not to be merged in the noble cause which has this day so signally triumphed. Yr's faithfly

H CLAY

E. Everett Esqr.

ALS. MHI.

¹ Everett had spoken in Committee of the Whole of the House of Representatives in opposition to resolutions for amending the Constitution to change the method of electing the President (cf. above, Hammond to Clay, January 4, 1826; McKinley to Clay, January 9, 1826). In the course of his remarks, he had alluded to the charges of corruption "at the late election" and commented: "I say the Administration of this Government, at this time, is one, under which any honest man may take office. To the councils of the Nation any man is free to go, with honor, who can contribute any thing to the administration of the public affairs: and, as a practical proof that this is so, I point to the honorable and honest men, men of all names and of all parties, who have taken office under the present Administration—men who are as pure, and as free from suspicion, as any other men, in this House, or out of this House, or in this country." *Register of Debates, 19 Cong., 1 Sess.,* pp. 1394-95.

To John T. Mason

Dear Sir


I recd. your letter of the 20h. Ulto. respecting Ashland.¹ I should be willing to rent you the house and pleasure grounds, with the garden and brick stable; but without any privilege of fire wood, the preservation of my wood being an object to which I attach great value. I should also be willing that you might pasture, on my wood land, two cows and two horses, and that you might always
keep two fresh cows from my own stock. I should consider you not authorized, under any circumstances whatever, to pasture any portion of the pleasure grounds (by which I mean all the ground in the same inclosure with the house; as, in regard to the garden, I mean all the ground, comprehending the apple orchard, in that inclosure.)

I think the above wd. be worth in Specie $200 per annum, but as I have great confidence in your care, taste and judgment, I will take from you one hundred and fifty dollars per annum to be paid quarterly.

If you accede to this proposal, I authorize you to arrange with Mr. Kerr\(^2\) the time when you can enter on the possession, from which time the rent will commence; and when I visit K. this Spring or Summer we will reduce the terms specified in this letter (which you will be pleased to preserve) to the form of a written lease.\(^3\)

Yrs faithfully

H. CLAY

J. T. Mason Esq

[Marginal note] 4

P. S. I reserve the negro houses near the dwelling house and also the house in the garden, or such of them as are wanted for my own negroes.

ALS. DLC-HC (DNA, M212, R2).

1 Not found.

2 John H. Kerr.

3 Not found

4 AEI.

From [Nicholas Vansittart,] Baron Bexley

Private Great George Street London 9 March 1826

Sir

Having some time ago been informed by Bishop Chase\(^1\) that you would permit small parcels of the periodical publications of some of our religious & charitable societies for his use to be occasionally addressed to you, I have taken the liberty, by the favor of Mr King,\(^2\) to consign two small packages, containing a few Mohawk Prayer books, & some Reports to your address for the Bishop.

I cannot forbear taking this opportunity of expressing my sincere pleasure that a statesman in your eminent situation should be the friend of that excellent man: & I can not conceive a purer or stronger bond of union between our Countries than that which is afforded by the cooperation now so happily established between them in religious & benevolent pursuits. I am sure you will find the patronage you afford them not only an honor to your Government, but a source of sincere & increasing satisfaction to yourself amidst the cares & labors of an official life; & which you will hereafter reflect upon as not among the least important of the services which
your talents & character have enabled you to render to your Country. I have the honor to be Sir with every sentiment of consideration your faithful & obedient Servant

The Honble H Clay &c &c &c

BEXLEY

ALS. DLC-HC (DNA, M212, R2). Vansittart, who had retired as Chancellor of the Exchequer in 1822, had been named the following year the first Baron Bexley, of Bexley in Kent, with a pension of £3,000 annually. He thereafter became active in aid of religious and charitable societies until his death in 1851.

1 Philander Chase.

2 Rufus King.

INSTRUCTIONS AND DISPATCHES

March 9, 1826

From R[ichard] C. Anderson, Jr., Bogotá, no. 39. Reports that the Secretary for Foreign Affairs (Joseph R. Revenga) believes that the United States, even with “the powerful cooperation” of Russia, will be unable “to bring the councils of Spain to acknowledge the Independence of its former Colonies.” Believes “no attempt is to be made immediately on either” Cuba or Puerto Rico but that the desire of Colombia to free the islands from Spain has not abated. Quotes Revenga as replying, to a question concerning the maintenance of order in Cuba after expulsion of Spain, that “The Island must be held by the troops of the invaders until the Government can go on without them.” States that he was also told that the Colombian delegates to Panama were instructed to emphasize “the necessity of destroying all Spanish dominion in the islands as well as on the Continent of America” and that “The Commissioners of the United States will have ample opportunities to discuss this thing at Panamá.” ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, II, 1292-93.

MISCELLANEOUS LETTERS

March 9, 1826

From Alfred P. Edwards, “Oahoo Sandwich Islands.” Encloses documents intended “to establish the guilt of John Speir . . . Carpenter of the Ship London,” of which Edwards was captain and part owner, recently “wrecked off these Islands.” LS. DNA, RG59, Cons. Disp., Honolulu, vol. 1 (M144, R1). Received October 25. In the enclosures Speir is accused of desertion, refusal to obey orders, and theft. Neither Edwards nor Speir has been further identified.

From George Hebb, Baltimore. Inquires concerning the health of his nephew, (William C.) Somerville, whose last letter was dated December 27, 1825. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: “… Mr. [Daniel] B[rent]. will say that no letter is recd. later than Mr. Hebb’s.” Hebb not further identified. A copy of Brent’s answer, as instructed, is located in DNA, RG59, Dom. Letters, vol. 21, p. 286 (M40, R19).

APPLICATIONS, RECOMMENDATIONS

March 9, 1826


Gabriel Holmes, Washington, recommends George Gibbs for a clerkship. LS. DNA, RG59, A. and R. (MR2). Holmes, a North Carolina lawyer, had sat in
both houses of the State legislature, had been Governor of North Carolina (1821-1824), and was a member of the United States House of Representatives from 1825 to his death in 1829.

To John J. Crittenden

My Dear Sir  (Confidential.)  Washn. 10th. Mar. 1826.

Robert Scott informs me that there are several cases of the Estate of Col. Morrison¹ on the docket of the new Court of Appeals.² I should be glad that they were any where else, but being there I must beg that you will not allow the Estate to suffer for the want of Counsel. If you do not practice in the new Court and believe that Counsel may be nevertheless necessary there, be pleased to engage for me some one who does.

I have absolutely not had time, nor health, to keep up my private and friendly correspondence, during the past winter, with any regularity. With respect to politics, from others and from the public prints, you have no doubt received most of the information which I should have been able to communicate. In the H. of R. numbers and talents are largely on the side of the administration. In the Senate matters do not stand so well. There are about 16 or 17 Senators resolved on opposition at all events. Seven or eight more are secretly so disposed, and indulge in that spirit as far as they can prudently. When these two Sections unite they make together a small majority. Near three months ago, a nomination was made of ministers to Panama. That subject has been selected for opposition. And by numerous contrivances, the measure has been delayed to this time and may be for some days to come.³ On all collateral questions those senators who are secretly disposed to opposition vote with the Macedonian phalanx, and, thus making a majority, procrastinate the decision. Nevertheless that decision is not believed by either party to be doubtful. Both agree that the measure will be finally sanctioned by a small majority. The Vice President⁴ (your particular friend) is up to the hub with the opposition, although he will stoutly deny it, where proof cannot be adduced. One of the main inducements with him, and those whom he can influence, is, that they suppose, if they can defeat or, by delay, cripple the measure, it will affect me. I am sorry to tell you that our Senator (Mr. Rowan)⁵ is among the bitterest of the opponents to the Administration. He appears as if he had been gathering a head of malignity for some years back, which he is now letting off upon poor Mr. Adams and his Administration. He is however almost impotent. As for the Col.⁶ he is very much disposed to oblige all parties, and is greatly distressed that neither of them is willing to take him by moieties. If the Relief party shou’d decline, as Jackson’s cause seems
to be giving way, the Col. will be a real as he is now a nominal supporter of the Administration.

The President wishes not to appoint a Judge, in place of our estimable friend poor Todd, until the Senate disposes of the bill to extend the Judiciary, 'though he may by the delay to which that body now seems prone be finally compelled to make the appointment without waiting for its passage or rejection. It is owing principally to Mr. Rowan, that an amendment has been made in the Senate throwing Kentucky and Ohio into the same Circuit, and his object was to prevent any Judge from being appointed in K. He told me himself that he wished the field of selection enlarged for a Judge in our Circuit.

Give my respects to Blair and tell him I mean to write him soon—not however on K. politics. Say to him that I shd. be very glad to gratify him, if I could, by expressing an opinion in favor of the or a compromise, but I would rather oblige him in any other matter. I mean to abjure K. politics—not because I have not the deepest interest in all that concerns her character & prosperity—but—it is not worth while to trouble you with the reasons.

I am faithfy Your friend H Clay

J. J. Crittenden Esq.

DIPLOMATIC NOTES

March 10, 1826

From Jose Silvestre Rebello, Washington. Acknowledges receipt of Clay's note of March 3; states that he will forward to his government the enclosed documents, although he argues that the assertions they contain are false; cites the piracy of "the American Brig Williams" (renamed Lavallegra; see above, Rebello to Clay, February 21, 1826, note), flying American colors, as justification for the search of the Henry by the Brazilian squadron (see above, Slacum to Clay, November 5, 1825; Clay to Rebello, March 3, 1826); notes that the documents do not include the complaint of Captain (H. T.) Whittredge, which he awaits, it being the only document that would give to the Brazilian Government a reason for inquiry into the incident. LS, in Portuguese, with translation in State Department file. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).

From Jose Maria Salazar, New York. Notes reception of orders from his government to inform the United States that the Emperor of Brazil (Peter I) has accepted the invitation extended by Colombia to send representatives to the Panama Congress. Encloses a copy of the note, dated October 30, 1825, by
which the Brazilian Minister to London (Le Chevalier de Gameiro) informed Manuel José Hurdado, Colombian Minister there, of this decision. Interprets the move as significant both in showing the desire of the Emperor for friendship with the new republics and in putting "an end to the sinister interpretations . . . in Europe to the objects of the Congress of Panama." LS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Colombian Legation, vol. 1 (M51, R2). Translation published in *American State Papers, Foreign Relations*, V, 920. Cf. above, Anderson to Clay, February 7, 1826. Earlier, under the same date, Salazar had written Clay, heading his note, "Importante," giving the factual information above stated, explaining that he was writing hastily before departure of the mail, and promising to write officially "manana." ALS, in Spanish, with translation in State Department file. Le Chevalier de Gameiro, who had been acting as agent of Brazil prior to British recognition of that government, has not been further identified.

From Hilario de Rivas y Salmon, Philadelphia. Transmits copies of two letters from the Spanish consul in Boston (Ramundo Chacon) seeking to reclaim a slave carried off from his owner in Puerto Rico and brought to Boston by the vessel Mary, Captain James Burnham. Requests orders from the President for restoration of the property. ALS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. 8 (M59, R11). Neither the Mary nor Captain Burnham has been further identified.

**INSTRUCTIONS AND DISPATCHES**

March 10, 1826

From Thomas L. L. Brent, Lisbon. Reports the death of the King (John VI), "this evening." Adds, in a postscript, "at night," that the Queen (Carlota Joaquina) professes to be too ill "to join her family at the Palace." Continues, on the "11th.," by reporting "many apprehensions" that the Queen, not as ill "as she pretends," may attempt to assume the regency; notes a general belief "that if the Queen should not be disposed to submit to the will of the late King as regards the Regency, she may prove very formidable. . . ." ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received May 11. Another dispatch of this date from Brent, reporting only the death of the King and probably written earlier than the one here cited, was received in the State Department on May 24.

**APPLICATIONS, RECOMMENDATIONS**

March 10, 1826

George Gibbs, Washington, encloses letters of recommendation in his behalf and declares his candidacy "for any vacancy which may Occur. . . ." ALS. DNA, RG59, A. and R. (M531, R3). The enclosed letters probably included that above, from Williams, March 8, 1826, and others addressed to Gibbs by William Johnson and by William R. King, dated March 8, and by Robert Y. Hayne, dated March 10.

George Gibbs, transmits, by endorsement, a copy of a recommendation of himself by Jeromus Johnson, of which the original was "addressed and delivered to the Honble. R. Rush. . . ." AES. DNA, RG59, A. and R. (MR 2). In his letter Johnson professes to have known Gibbs "in the City of New York for many years as a Merchant" before his removal to St. Augustine. Johnson, a New York merchant, had been a member of the State assembly in 1822, was a member of the United States House of Representatives from 1825 to 1829, and
held the position of “appraiser of merchandise for the port of New York” from 1830 to 1840.

Ruling on Proposal to Aid Madame Itúrbide

[ca. March 11, 1826]

This is a private matter of Exchange which, with every friendly consideration for Made: Iturbide, must be left to private arrangements, through Bankers or merchants, or Mr. Poinsett himself, if it be agreeable to him & for his interest, of which he shd. be the sole judge.

H. C.

DIPLOMATIC NOTES

March 11, 1826

To [Jose Silvestre] Rebello. Acknowledges receipt of his note of February 21; states that “Immediately upon the receipt at this Department of official information of the true character of the Lavelleja [Lavallega], publicity, in the Gazettes, was given to it, that all persons might take notice of it” (see above, Rebello to Clay, February 21, 1826); and denies the necessity of a special order to stimulate United States officials and others, as well, “to perform the duty which the law enjoins on them.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 8, p. 255 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

March 11, 1826

From Thomas L. L. Brent, Lisbon, no. 18. Encloses copies of correspondence with the Count of Porto Santo concerning “the appointment of the new government” and the death of the King (John VI). Reports an unsatisfactory conversation with the Minister of Finance relative to the case of the Osprey (above, Brent to Clay, July 11, 1825, note). Notes that late events have put a stop to “all kinds of business.” LS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). The Portuguese Minister of Finance was probably Miguel Antonio de Mello, not further identified.

From Robert Campbell, Genoa. Notes a decrease in shipping and imports and an increase in the exportation of paper; states that “not only the Universities, but even the Country Schools,” have been placed under control of the Jesuits;
add: “The Treasury overflows but the Taxes do not diminish.” ALS. DNA, RG59, Cons. Disp., Genoa, vol. 1 (M-T64, R1). Received May 1.

MISCELLANEOUS LETTERS

March 11, 1826

To Lewis Cass, “Governor of the Michigan Territory, Detroit.” Transmits commission appointing members of the Legislative Council for Michigan Territory. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 286 (M40, R19). For the controversy over the members to be thus certified, see Carter (ed.), Territorial Papers, XI, 921-24. The competing lists of elected members were not officially submitted to the Secretary of State until below, Woodbridge to Clay, March 29, 1826. On February 15, President Adams had submitted to the Senate his nominations, based on the election by district. They had been confirmed on March 9.

From [William C.] Bradley, “House of Representatives.” Inquires whether the government possesses “any copies or models of the English & French measures and whether their accuracy can be relied on”; indicates a particular desire “to learn whether any accurate copy has been procured of the English Standard yard and pound weight and if so, at what time it was made.” AN. DNA, RG59, Misc. Letters (M179, R64).

From [John] Bryant and [William] Sturgis, Boston. State that after receipt, on April 30, 1825, of a copy of Clay’s letter to (Henry) Middleton of April 25 (1825), in regard to “the final adjustment of the business of the Pearl,” they wrote Middleton; note their expectation that he “would have condescended to notice” their communication; and inquire whether information on the matter has been received by the State Department. ALS by Sturgis. DNA, RG76, Misc. Claims, Russia.

On March 17, Daniel Brent, at Clay’s direction, informed Bryant and Sturgis that the Department was “still uninformd of the result of the conditional arrangement with the Russian Minister. . . .” Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 290-91 (M40, R19).

DIPLOMATIC NOTES

March 12, 1826

From Charles R. Vaughan, Washington. Calls attention to damages inflicted on the British schooner Speedwell by the American merchant vessel Pallas, which “by the wilful Misconduct of the Master and Crew, . . . twice ran foul of’ her in July, 1825, “off the Havannah”; states that his government does not claim compensation from the United States, nor does it intend bringing suit against the persons responsible for the injury, but instructs him to bring “the Subject under the Notice of the Government of the United States, and to request, that the Misbehavior of the Parties concerned, may be animadverted upon.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES

March 12, 1826

From James Brown, Paris, “Private.” Forwards dispatches from (Alexander H.) Everett (above, February 24, 1826), which he has read and which confirm the opinion of “well informed persons” in Paris that Spain seems more reluctant to recognize “the independence of her former colonies than she appeared to be
immediately after receiving the intelligence of the surrender of the castle of St. Juan d’Ulloa.” Reports a conversation with the French Minister of Foreign Affairs (Baron de Damas) concerning “the obstinacy of Spain in delaying negotiations for peace with the new republics”; notes that the Count de Villèle blames the King of Spain (Ferdinand VII) for the delay, pointing out “that it was extremely difficult, from the indecision of his character, to induce him to bring any important affair to a satisfactory conclusion.” States that the King of France (Charles X) has received “Baron Pedra Branca . . . as chargé d’affaires of the Emperor of the Brazils”; that “the mission of the Duke of Wellington to St. Petersburg [see above, King to Clay, January 20, 1826; Brown to Clay, February 13, 1826], and the sudden departure of Count Lieven from London for the Russian capital, are subjects of much speculation, and had for some days an influence in depressing the price of stocks as well in Paris as at London”; and that the law proposed by the ministry for payment of indemnity to “the ancient colonists of St. Domingo” (see above, Brown to Clay, February 13, 1826) is the subject of animated debate in the Chamber of Deputies but will probably pass. LS. DNA, RG59, Dipl. Disp., France, vol. 23 (M34, R26). Received April 22. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1420-22.

Domingos Borges de Barros, Viscount Pedra Branca, had served in the Portuguese Constituent Cortes of 1821 prior to emigrating to Brazil.

Count Lieven had been summoned home by Nicholas, presumably for consultation, before the Russian Court knew that the Duke of Wellington would be visiting St. Petersburg. [Daria Kristoforovna Benchendorff] Lieven, The Private Letters of Princess Lieven to Prince Metternich, 1820-1826, ed. by Peter Quennell, assisted in translation by Delys Powell (New York, [c. 1938]), 360.

From Alexander Burton, Cádiz. Encloses a notice of a quarantine at that port, effective from June 1 to “the middle of November,” on the same basis as that of last year, when “all vessels coming from Ports in the United States, south of Massachusetts, were not admitted without performing a previous quarantine at another port.” ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4).

From Henry Middleton, St. Petersburg, no. 56. Acknowledges receipt of Clay’s “despatch No. 2” (above, December 26, 1825); encloses a copy of a note addressed to Count Nesselrode in conformity to it; expresses a hope that, when foreign affairs can be considered, “the affairs of Spain will come in for a share of the attention of the Emperor [Nicholas I], whose individual & private opinion . . . is favorable to the course we wish taken in the question relating to the pacification of the late Spanish Colonies.” ALS. DNA, RG59, Dipl. Disp., Russia, vol. 10 (M35, R10). Dated February 28/March 12, 1826. Received July 17. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1881.

MISCELLANEOUS LETTERS

March 12, 1826

From Christopher Hughes, Baltimore. Forwards documents relative to a claim against the Government of Haiti, by (Robert) Gilmor and (Robert) Oliver, who request that Clay write “a Letter . . . to the President of Hayti [Jean Pierre Boyer], giving them the support & countenance of our Government. . . .” ALS. DNA, RG76, Misc. Claims, Haiti. Enclosures reveal that the claim, originally in the name of Robert and John Oliver, had resulted from a sale made in 1804 to a firm in “Aux Cayes, Island of St. Domingo,” by the Olivers and “Messrs Robert Gilmor & Sons.” Robert Gilmor was a Baltimore merchant, son of Robert
Gilmor (who had died in 1822) and heir with his brother, William, to the firm of Robert Gilmor and Sons. No letter from Clay to Boyer has been found.

From James Brown

My dear Sir

Paris March 13. 1826.

I have not had the pleasure of anything more from you for some time than a short letter on the subject of the papers of the late Commodore Truxtun¹ which I understand are deposited in the care of our Consul Mr Barnet² who has been so seriously indisposed for some time that he was not able to make the necessary search for them. The occupations which your ordinary and extraordinary duties must at this moment devolve upon you leave me at no loss to account for your silence. The Session promised at the last accounts to be a very busy one and we wait with some impatience for every fresh arrival in order to ascertain the result of some important measures which have been brought before the two Houses. The question respecting the Mission to Panama appears to be the one in which the Statesmen of this Continent feel the greatest interest, and as it was thought that this measure was in perfect accordance with the general course of our policy, some surprize [sic] was discovered on finding that it had met with some opposition in each of the two branches of the Legislature. I think it probable that the news of the death of the Emperor³ and of the events which have followed it, may possibly diminish the fears of some who apprehended danger from giving offence to the Confederation of Sovereigns. I rather think that a refusal to accept that invitation would have an unhappy effect on the good Cause as well in America as on this side of the Atlantic. The opinion formerly entertained that Spain would regain her possessions in the American Continent now [sic] longer exists, and the only fear here is that she may lose her Islands,⁴ and be stripped of her tattered Commerce should the war be continued—When I say this I allude to the opinions of well informed impartial judges, for a party is yet to be found who would embark all Europe in support of the dogma of Legitimacy. This fanaticism in favor of the divine right of Kings has been exhibited in the debate on the law respecting St Domingo⁵ but the speeches of the Ministerial party aided by the liberal opposition and above all the vote which will be given on that question will prove that neither the Chamber nor the Nation partakes in such exaggerated doctrines. The ultra royalist party with Labourdonaye de Neuville⁶ &c. may amount this year to near one hundred and the liberal opposition to thirteen or fourteen members.

A Mr West⁷ former cashier of the Branch Bank at New Orleans who was represented in the Newspapers as having absconded in debt to that Institution landed at Havre some time ago and is now
in Paris. I felt a strong disposition to do something to obtain from him a part if not the whole of the money he was said to owe, but having no proofs of the debt it was obvious I could commence no legal proceedings against him. I sent Mr Sheldon\(^8\) to the Secretary of the Police General to enquire what could be done to prevent him from squandering the money in case he had brought any with him. He was told that the police could do no more than keep an eye upon him and prevent him from doing any act which could disturb the public peace or molest the inhabitants of the Kingdom; and that it could take no notice of any offences or misdemeanors he might have committed in foreign countries. I understand also that the French Tribunals will not take cognizance of actions for debt or to enforce contracts made in other Countries between foreigners and indeed the fact is proved by the residence of many of them in Paris who have absconded from their creditors in England and in other States.

I am happy to learn by a letter I received from Mr Hughes\(^9\) that your health is much improved since your removal to Washington and that you had opened your house for the reception of company. The occupations of domestic life, and the excitement of society will gradually relieve Mrs. Clay’s mind from the load of affliction which has so unexpectedly fallen upon her\(^10\) and I hope you will both find reason to felicitate yourselves on having retired from the tempestuous scenes of Kentucky. If you want anything more to enable you to finish your establishment which can be procured at a better price or of a superior quality here Mrs. Brown will feel happy in executing any order you may send.

It would give me much pleasure if Mr Pleasonton\(^11\) would give me a statement of my account as I wish to see that every thing in relation to my drafts on the Department is correct— I have endeavored to be as accurate as possible and except the small charge of some fifteen hundred francs for the coronation\(^12\) I can think of no charge which can give rise to any difficulty—

I mentioned to you that I had sustained a pretty heavy loss in the failure of Kenners house at New Orleans.\(^13\) It is fortunate that before this accident I had paid all my debts, and I hope the revenue of my plantation will be sufficient to enable me to meet all my expenses.

Captain Morris\(^14\) will on his return be enabled to Communicate to you much valuable information in relation to the naval force of Great Britain and France— The latter of these powers devotes 60 millions annually to her navy and builds cheaper than we can do in the United States. In a short time she will have eighty ships of the line constructed and in order to form seamen a number of her vessels are kept in active service. If peace continues a few years her
naval power will be more formidable than it has been at any former period.

Mrs. Brown sends her love to Mrs. Clay to whom be so good as to present my affectionate regards.

I am Dear Sir very truly Your faithfull Servant  

JAMES BROWN  

Honb. Henry Clay.

ALS. DLC-HC (DNA, M212, R2).  
1 Above, January 19, 1826.  
2 Isaac Cox Barnet.  
3 Alexander I of Russia.  
4 Cuba and Puerto Rico.  
5 See above, Brown to Clay, March 12, 1826.  
6 François-Regis de la Bourdonnais, Count de la Breteche: Hyde de Neuville. La Bourdonnais, who had served in the “army of the princes” opposing the French Revolution and had been exiled again during the Hundred Days, was to become Minister of the Interior from 1829 to 1830.  
7 Charles S. West.  
8 Daniel Sheldon.  
9 Christopher Hughes.  
10 The deaths of Eliza Clay and Susan Clay Duralde.  
11 Stephen Pleasonton.  
12 See above, Brown to Clay, June 25, 1925.  
13 See above, Brown to Clay, January 30, 1826.  
14 Charles Morris.

DIPLOMATIC NOTES  
March 13, 1826

To [Jose Silvestre] Rebello. Acknowledges receipt of his note of March 10; asserts that “The object of that, to which it is an answer, was to” procure the forwarding of papers in the case of the Henry to his government in the expectation that both governments would provide additional documentary evidence; adds that discussion, in the meantime, would seem premature, although, if Rebello considers himself authorized to give assurances of the redress which may be indicated, Clay will enter upon talks with him.

Questions why Rebello introduced into his note the case of the Williams; points out that he has furnished no evidence to substantiate his allegation of piracy against that vessel; and concludes by stating that, even if she were guilty and were owned at that time by citizens of the United States, he “certainly do[es] not mean to contend that all other vessels of citizens of the United States, for that reason, are to be treated as piratical, or may be subjected to lawless outrage.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 255-56 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES  
March 13, 1826

From Isaac Cox Barnet, Paris. States that he dictates from his bed the acknowledgment of Clay’s letter of January 30, 1826; expresses a belief that the letter (from Daniel Brent) to the president of the Maryland Insurance Company (John Hollins), January 23, 1826, “will be fully corroborated”; encloses a copy of a note concerning the claim of John Marrast, “late of Norfolk,” amounting to nearly 600,000 francs, the bulk of which demand has been denied by the French Government. ALS by William A. G. Barnet, who signs “for I. Cox Barnet.” DNA, RG59, Cons. Disp., Paris, vol. 5 (M1, R-T5). Received April 22. The Marrast claim, in compensation for “Supplies,” seized by condemnation of the property in the period before 1800, had been admitted by the American board of settlement (cf. above, Lawrence to Clay, December 15, 1825) and was paid after 1832. Senate Docs., 22 Cong., 1 Sess., no. 14; 34 Cong., 1 Sess., no. 87, p. 6.
MARCH 14, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 27. Transmits, “as a specimen of the character of the views and expectations of the most violent section of the ruling party,” a scheme proposed for “an expedition against the Colonies”; reports that the British Minister (Frederick J. Lamb) has attempted to employ corruption to obtain acknowledgment by Spain of the independence of her colonies, while “the French have been and still are employing menaces and intimidation for the same purpose”; expresses doubt, however, that “the French Ministry are prepared to act with the energy necessary for bringing the business at once to a point”; notes that “The French plan contemplates like that of England an arrangement under the mediation of the three principal maritime powers; Great Britain, France and the United States”; refers to the illness of the King of Portugal (John VI) and to the apprehensions “of troubles in Portugal and by a natural consequence in Spain” if he should die, although “It is understood here that the arrangement of the Regency [see above, Brent to Clay, March 6, 1826] appears to be agreeable to the Queen [Carlota Joaquina], a circumstance which of course, is favorable to the tranquillity of the Country.”

MISCELLANEOUS LETTERS

March 13, 1826

From B[ENJAMIN] REEDER, “near Clarksbg. Va.” Encloses a threatening letter (not found) from “a man who has been excessively troublesome” and a copy of his own reply to it. Explains that the difficulty arose from an attempt by the man to avoid payment of fees resulting from court action. ALS. DNA, RG59, Misc Letters (M179, R64). In the enclosure, Reeder informs S[amuel] D. Craig, New York, that in anticipation of the latter’s threatened complaint to the President, copies of their last exchange of letters are being forwarded “by the next mail.” Reeder served as marshal for the Western District of Virginia from 1819 to 1832. Craig not further identified.

APPLICATIONS, RECOMMENDATIONS

March 13, 1826

JOHN H. PLEASANTS, Richmond (Virginia), recommends, for a clerkship, Alexander W. Jones, who “was originally a friend of the Gentleman who now fills the Presidency, & adhered to him throughout the Canvass—and still supports his administration.” ALS. DNA, RG59, A. and R. (MR2). Jones received no appointment.

To [John Quincy Adams]

Department of State, 14. March 1826.

The Secretary of State to whom the President has referred that part of the Resolution of the House of Representatives, of the third instant, which requests, that he would cause to be laid before that House “so much of the correspondence between the Government of the United States and the New States of America, or their Ministers, respecting the proposed Congress or meeting of diplomatic
Agents at Panama, and of such information respecting the general character of that expected Congress as may be in his possession"¹ has the honour now to report,

That during the last spring, he held, at the Department of State, separate conferences, on the same day, with the respective Ministers of Colombia and Mexico, in the course of which, each of them verbally stated, this [sic] His Government was desirous that the United States should be represented at the proposed Congress, and that he was instructed to communicate an invitation to their Government to send representatives to it; but that as his Government did not know whether it would be agreeable or not to the United States to receive such an invitation, and as it was not wished to occasion any embarrassment to them he was charged informally to enquire, previous to the delivery of the invitation, whether it would be accepted if given by both of the Republics of Mexico and Colombia.² It was also stated, by each of these Ministers, that his Government did not expect that the United States would change their present neutral policy nor was it desired that they should take part in such of the deliberations of the proposed Congress, as might relate to the prosecution of the existing war with Spain.

Having laid before the President what transpired at these conferences, his direction was received about a week after they had been held to inform the Ministers of Mexico and Colombia and they were accordingly informed that their communication was received with due sensibility to the friendly consideration of the United States by which it had been dictated; that, of course, they could not make themselves a party to the war between the New States and Spain, nor to Councils for deliberating on the means of its further prosecution; that the President believed that such a Congress as was contemplated, might be highly useful in settling several important disputed questions of public Law, in arranging other matters of deep interest to the American Continent and in strengthening the friendship and amicable intercourse between the American Powers; that before such a Congress, however, assembled, it appeared to the President to be expedient to adjust, between the different powers to be represented, several preliminary points, such as the subjects to which the attention of the Congress was to be directed, the nature and the from [sic] of the powers to be given to the Diplomatic Agents who were to compose it and the mode of its organization and its action. If these preliminary points could be arranged in a manner satisfactory to the United States, the Ministers from Colombia and Mexico were informed that the President thought that the United States ought to be represented at Panama. Each of those Ministers undertook to transmit to his Government, the answer which was thus given to both.
In this posture the overture remained until the letters were received which accompany this Report, from the Ministers of the Republics of Mexico and Colombia, under date the 2d. & 3d. November 1825. A similar answer was returned to each of those letters, in official notes, a copy of one of which is with this Report.

The first and only communication from the Minister of the Republic of Central America to this Department, in regard to the Congress at Panama is contained in his official note, a copy of which, together with a copy of the answer which was returned will be found along with this report.

Copies of Conventions containing stipulations respecting the intended Congress are herewith reported between
- The Republic of Colombia and that of Chili
- The Republic of Colombia and Peru
- The Republic of Colombia and the Federation of the Centre of America; and
- The Republic of Colombia and the United Mexican States.

The Secretary of State has also the honour to report to the President extracts from the instructions which were given by the Department of State to Mr. Anderson on the 27th. day of May 1823 and copies of certain parts of the correspondence which since the last Session of Congress has taken place between the Executive of the United States and the Governments of Russia, France, Spain and Mexico, of which a descriptive list accompanies this report.

In respect to the negotiation which Mr. Middleton was authorized, by the despatch of the 10th of May last (one of the papers now reported) to institute at St. Petersburg, considering the lapse of time and the great and lamented event which has lately occurred in Europe, perhaps there is no adequate reason for refraining from a communication of it to the House, which is recommended by its intimate connexion with the interests of the new Republics. About the same period with the date of that despatch, instructions were given to Mr. Everett to inculcate on Spain the necessity of peace and to our Ministers in France and England, to invite the Cabinets of Paris and London to co-operate in the same work. The hope, not yet abandoned, was indulged that by an united exertion of all the great Powers, and especially of Russia, Spain might be brought to see her true interests in terminating the existing War. Other negotiations growing out of and subordinate to that which was authorized in the before mentioned despatch of the 10th. of May to Mr. Middleton has been more recently commenced. They have for this object, the prevention of disorder, in the Spanish Islands of Cuba and Porto Rico, and also to guard the United States against the danger of bad examples and excesses, of which, in the course of events, those Islands might become the theatre, as well as the
conservation of our commercial and navigating interests.

All which is respectfully submitted.

H. Clay.


2 See above, Tudor to Clay, April 12, 1825, note.

3 Above, Salazar to Clay; Obregón to Clay.

4 Above, Clay to Obregón, November 30, 1825.

5 Above, Cañiz to Clay, November 14, 1825; Clay to Cañiz, November 30, 1825.

6 See above, Clay to Poinsett, March 26, 1825, note.

7 Not here enclosed; see published version.

8 The death of Alexander I of Russia.

9 Clay to Everett, April 27, 1825; Clay to Brown, May 13, 1825; Clay to King, May 11, 1825.

10 See above, Clay to Salazar, Clay to Obregón, December 20, 1825; Clay to Anderson, Clay to Poinsett, December 30, 1825.

**DIPLOMATIC NOTES**

March 14, 1826

From the Baron de Tuyll, Washington. Announces his "immediate departure" for Europe for reasons of health, leaving the Baron de Maltitz as Chargé d'Affaires. ALS. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated "le 2/14 Mars 1826." On the same date Tuyll requested passports for himself and certain members of his staff and stated his intention to leave March 9/21 for England. LS. *Ibid.*

**INSTRUCTIONS AND DISPATCHES**

March 14, 1826

To Gustavus H. Scott. Instructs him to go to Colombia and deliver dispatches to (Richard C.) Anderson (Jr.) at Bogotá, to proceed to Guatemala and receive dispatches from (John) Williams, and thence to return home; informs him of the allowance for expenses, in addition to his compensation of six dollars per day; entrusts him with a dispatch for Williams, "who proceeds in the same vessel for his post at Guatemala"; and cautions him to "observe due economy." Copy. DNA, RG59, Dip. instr., vol. 11, pp. 15-16 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

**MISCELLANEOUS LETTERS**

March 14, 1826


To Richard C. Anderson, Jr.

Richard C. Anderson, Minister Plenipotentiary, U. S. to Colombia

Sir (Confidential) Department of State 15. March 1826.

Shortly after the commencement of the present Session of Con-
gress, the President nominated you and Mr. John Sargeant [sic] of Philadelphia as Ministers to represent the United States at the Congress of Panama. The nomination was approved only on yesterday. A Message will be sent to-day or tomorrow, to the House of Representatives, on the subject of this Mission, and an appropriation will be asked to defray the expenses of it. Mr. Sargeant will not leave the United States until there is an expression of opinion by Congress, on the Mission, which may be expected in the course of three or four weeks. Preparations are, however, completed, or are in progress, to admit of his sailing without any delay after the pleasure of Congress is known. No doubt is entertained but that Congress will make the necessary appropriation. If you remain at Bogota until Mr. Sargeant arrives at Porto Bello, or some other Port on the Atlantic side of the Isthmus, he will have to remain there, until he can dispatch a Messenger to you and you can join him, or he would have to proceed at once to Panama, leaving you to follow him. In either alternative, inconveniences would happen; and, as the President wishes, so far as it depends on him, to guard against all injury to the public interest from the absence [sic] of our Ministers from Panama, perhaps already too much extended, he thinks it best to prevent, as far as may be practicable, both of these alternatives. You will, therefore, as soon as may be after the receipt of this despatch, leave the affairs of the Mission to Colombia under the care of Mr. Watts, and proceed from Bogota to Porto Bello, without unnecessary delay, and, if you should not find Mr. Sargeant there, you will await his arrival, or that of Instructions from this Department. Should the mission be unexpectedly defeated, your reasonable expenses occasioned by this movement, will be allowed you; and, as you intimated a wish to me, to return to the United States, during this year, you may do so, or go back to Bogota, at your option.

As Porto Bello may be unhealthy, and you may be exposed to some danger by waiting there for Mr. Sargeant, you may go to some more healthy position in the neighbourhood, if you please, taking care to have Mr. Sargeant informed, upon his arrival, of where you may be found.

Mr. Sargeant will carry out the Instructions which are to govern both of you at Panama.

I have the honour to be your obedient Servant                              H. CLAY.

P. S. The rank of the Ministers to Panama is that of Envoy Extraordinary, and Minister Plenipotentiary, and the President authorizes me to say that, with the Concurrence of Congress, an outfit will be allowed                                      H. CLAY.

Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 16-17 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).
DIPLOMATIC NOTES

March 15, 1826

To the Baron de Tuyll, "Private." Acknowledges, with an expression of "sentiments of esteem and respect," his note of March 14; extends wishes for restoration of his health. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 256 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

March 15, 1826

To John Williams, Norfolk. States that Gustavus H. Scott is being sent with dispatches to (Richard C.) Anderson (Jr.) at Bogotá and that Williams may use his services to return dispatches to the United States. Copy. DNA, RG59, Dip. Instr., vol. 11, p. 18 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).


MISCELLANEOUS LETTERS

March 15, 1826

From Jacob Crawford, Baltimore. Inquires, in connection with "the subject of indemnity to the former inhabitants of St. Domingo, who were owners of Real Estate" (see above, Holden to Clay, July 16, 1825, note), whether "the Commercial part of the Inhabitants" will be able to collect the debts owed them. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed, on cover, by Clay: "Mr. Brent will address a letter to Mr. C. informing him that I can give him no information in respect to his inquiry, which is rather of a forensic character. H C." Crawford, a veteran of the American Revolution, was one of the owners of a mill near Baltimore in 1825. Brent's answer, according to instruction, but without Clay's comment on the character of the inquiry, is dated March 20. Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 291-92 (M40, R19).

From Gabriel Holmes, Washington. Encloses a letter from H(anson) Kelly, "a resident of Wilmington [North Carolina] untill [sic] the close of the war with Great Britain," and requests instructions "to further the claim of Mr. Kelly." ALS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure, dated at New Orleans, January 12, 1826, Kelly asks Holmes "to lay . . . before the proper department" the case, possibly the basis of a claim against England, of the American "Marque Schooner Kelton," captured by a British ship at Boa Vista, Cape Verde Island, a Portuguese neutral port, in 1814. Kelly not further identified.

From Andrew Hull (Jr.), Stratford (Connecticut). States that Judge (Pierpont) Edwards is too ill to attend to business; suggests that, if someone else "be
MARCH 16, 1826

authorized to take the Bond," an order may be necessary. ALS. Ibid. Cf. above, Clay to Hull, February 8, 1826.

On March 21 Daniel Brent informed Hull that "the Secretary . . . does not consider himself at liberty to dispense with the Law" and that "The duty of this Department was fully executed in the case, when the President's Commission was transmitted by it to the Judge of the Judicial District for which" Hull had been "appointed the Marshal by that Commission." Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 293-94 (M40, R19).

From JAMES SOMERVELL, Warrenton, North Carolina. Inquires about the health and location of his "friend & relative, Mr. Wm. C. Somervell [sic]" and how a letter may be directed to him. ALS. DNA, RG59, Misc. Letters (M179, R64).

James Somervell, whose relationship to William C. Somerville has not been found, became postmaster at Warrenton from 1827 to 1834.

To Simon Gratz and Brother

Gent. Washington 16h. March 1826

I have received your favor of the 13h. instant 1 in which you state that the suit against you, in the case of Morrison Taylor & Co. was decided a few days previous, and that Judgt. was rendered in it in favor of James Morrison's Exor for the sum of $4151 97/100 2 which you propose to pay in ninety days at Philada. or in Lexington. I shall be content to receive payment in Philada. at the time proposed, and will draw accordingly for the above amount, payable ninety days from the 13h. instant.

I am respectfully Your ob. servant

H. CLAY


P. S. I forget whether your a/c with Col. Morrison's estate was entirely closed. If so, I will remit the $20 paid by you for insurance. 3

ALS. KyU.

1 Not found.

2 Cf. above, III, 786n; below, Specie Account, Private, with Morrison Estate, August 12, 1826.

3 Cf. above, Simon Gratz and Brother to Clay, March 14, 1825.

To Samuel Southard

16 Mar. 1826

Mr. Clay's respects to Mr. Southard, and he asks the favor of his Company at dinner on Wednesday next (the 22d. instant)

An Ans' is respectfully requested

AN. NjP. Endorsed on cover: "... accepted 18 March." Answer not found.

To James Tallmadge

My Dear Sir Washington 16h. Mar. 1826

I duly received your favor of the 13h. instant. 1 I regret very much,

ALS. KyU.
as I have no doubt that the President does, that any conception should be taken up in N. York that he intended to neglect or abandon his friends and woo his enemies. Nothing was further from his intention. If he has occasionally made appointments from the number of those who were friendly to some other Candidate, during the late Presidential election, it should be recollected that he ought not to have adopted any principle of proscription. The offer to Mr. Clinton of the mission to England\(^2\) was justified by the strong testimony which N. York had then recently borne to him;\(^3\) and the complement [sic] was as much to the State as to the person. Other appointments, made in N. York, have been of friends. But I will not dwell on this subject. All that I desire is that there should not be formed any precipitate judgments.

I have been informed of the meditated coalition in your State;\(^4\) but it would not, if consummated, at all impair my confidence in the great body of your people. They cannot be lead [sic], like brutes, no matter what are the reins, or who attempts to hold them.

The Panama mission is at last approved. The publication of the proceedings of the Senate discloses the fact that there is [sic] in that body senators who are firmly determined on opposition.\(^5\) In the House the measure will be approved by a large majority.

With great respect I am truly Yr's

H Clay

The Honble James Tallmadge.

ALS. NHi. 1 Not found.
2 See above, Stuart to Clay, March 15, 1825, and note.
3 See above, Porter to Clay, January 14, 1825, note.
4 See above, Porter to Clay, March 4, 1826.
5 See above, Clay to Anderson, March 15, 1826. On March 14, the same day that the nominations for the mission were approved, the Senate had removed the injunction of secrecy from publication of the proceedings. U. S. Sen., Executive Journal, III, 518.

From James R. Butler

Dr. Sir Pittsburgh March 16th. 1826

Excuse the liberty I take in addressing you, but from the strong friendship, which existed between you & my Father in Law Genl. John Wilkins decsd.\(^1\) I know that you would save any member of his family if in your power— I have heard that Major Harrison who was appointed Ordnance storekeeper at the U. S. Arsenal near this place has declined coming.\(^2\) It is a situation that would enable me to support my little family: I have been reduced by adverse circumstances to poverty— Should you think proper to espouse my cause with the Secty at War,\(^3\) I refer you to Genl W. H. Harrison (with whom I had the honor to serve in the late war) & to Honl Genl W. Marks, J. S. Stevenson, & Col R. Orr,\(^4\) the Representatives from this district for my standing in society.
March 16, 1826

With great respect Your Obdt. Servt.  

JAMES R. BUTLER
Honbe Henry Clay Secty of State

ALS. DNA, RG156, Records of the Office of Chief of Ordnance, Letters Received, Endorsed on verso, AEJ: “Respectfully refered [sic] to the Secy of War. H. C.” Butler, who had commanded a Pittsburgh regiment in the War of 1812, received the desired appointment as military storekeeper of ordnance on March 28, 1826.

1 John Wilkins, Jr., had died in 1816.
2 Thomas Harrison, of Massachusetts, who had been an officer during the War of 1812, had held appointment as military storekeeper at the Frankford Arsenal in Philadelphia since 1817. He resigned from the service on March 28, 1826.
3 James Barbour.
4 James S. Stevenson, Pittsburgh lawyer, had been a member of the State House of Representatives, 1822-1823, and was president of the Pennsylvania Board of Canal Commissioners. He served two terms in Congress, 1825-1829. Robert Orr, Jr., of Kittanning, had been an officer in the War of 1812 and a member of the State House of Representatives (1817-1820) and Senate (1821-1826). He was a member of Congress from 1825 to 1829.

From Jabez D. Hammond

Dear Sir,  

(Private) Albany March 16. 1826

I have delayed answering your letter of the 9 Ult.1 with a view of satisfying myself whether the rumor you mention of a combination between Mr. V. B. and Mr. Clinton was founded upon any facts2—

It is true that Mr. V. B’s Friends in the Senate of this State have recently I believe supported the Governor’s nominations, and it is also true that the Governor has occasionally nominated some of the Anti-electoral or Caucus men3— But it is to be remarked that the majority of the Senate are or have been politically opposed to the Governor and if that Majority as they did in the case of the nomination of the Chancellor and in many other cases yield to his wishes common courtesy would seem to require that he should now and then send them nominations of some of their Friends— There are however some indications (perhaps delusive) of a sort of back stairs intercourse or rather a kind of Pyramus & Thisbe kissing with a wall between,4 existing between the Governor and his Quandum [sic] Opponents— But I have seen no decisive indications even of this kind—

Of one thing however you may be certain— Since the adoption of the New Constitution5 nothing like party discipline can exist here— We can have no discipline because by the abolition of the Counsel of Appointment the power to award and punish no longer exists— And that therefore no combination of Individuals however respectable their talents & standing may be can control public opinion—

If the measures of an Administration are such as are approved by the people that administration will be supported—

Subsequent reflection has confirmed me in the opinion that a change ought to be effected in the General Post Office6—
I beg you will be assured of my best wishes for your health and prosperity— I am with great respect your Obedt. & humble Servt.  
The hon. H. Clay—

JABEZ D. HAMMOND

ALS. DLC-HC. (DNA, M212, R2).
1 Not found.
2 Martin Van Buren; DeWitt Clinton. Cf. above, Porter to Clay, February 17, 1826; March 4, 1826.
3 Followers of Van Buren (and, formerly, of William H. Crawford).
5 See above, III, 187, note 12.  
6 Cf. above, Hammond to Clay, January 4, 1826.

DIPLOMATIC NOTES

March 16, 1826

From JOSÉ SILVESTRE REBELLO, Washington. Replies to Clay's note of March 13; points out that “the pirate Lavallegra” was formerly the “Brig Williams of Baltimore” and claims that, with this precedent, the Brazilian officers were justified in being suspicious of the *Henry*; admits that he is not authorized to settle the case. LS, in Portuguese, with translation in State Department file. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).

INSTRUCTIONS AND DISPATCHES

March 16, 1826

From THOMAS L. L. BRENT, Lisbon, no. 19. Discusses in considerable detail the political situation in Portugal following the death of the King (John VI): the “general and marked disapprobation” of the conduct of the Queen (Carlota Joaquina); the fears “that she would seize the opportunity always so near her heart to arrive at supreme power,” and that she, “known to be as fully possessed as her brother King Ferdinand of Spain with the spirit of persecution and thirst for the blood of the ‘liberals,’ . . . would instantly make an effort to put down the government that had been appointed by her husband” (see above, Brent to Clay, March 6, 1826); abatement of the agitation, owing to the “alarming state” of her health and her recent advocacy of moderation; “the particular and most energetic support” given the new government by the British Ambassador (Frederick J. Lamb); the confidence inspired by the Regency, which will probably continue until “the decision of don Pedro respecting the choice of his place of residence” is known; and the “speculations as to what may be the determination of don Pedro” in regard to “the two crowns united in his own person.” Notes that, it being “to the interest of monarchy to have one foot hold on the American [sic] Continent, . . . it may be supposed that the Emperor don Pedro may be encouraged . . . to maintain himself in Brazil”; that he will be pressed “by the party in Brazil . . . opposed to an union between” the two crowns; and that “the Portuguese here . . . reject with scornful disdain the idea of an union unless the Emperor should determine to reside in Lisbon, [and] . . . may not be disposed to allow him much time to decide.” ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received May 3.

From SAMUEL HODGES, Jr., Villa da Praya, St. Iago, Cape Verde Islands. Reports the impressment, by Captain D. C. Clavering, of the British Ship *Redwing*, of “two Seamen from the Brig Pharos of Boston, on the 6th. Decr. last, . . . in the harbor of Freetown, Sierra Leone, one of whom, Studson Roberts, of Portland was given up, . . . and the other detained under a plea that he was a British Subject.” ALS. DNA, RG59, Cons. Disp., Santiago, vol. 1 (M-T434, R1). Received May 7. Published in *American State Papers, Foreign Relations*, VI, 369.
March 17, 1826

From Samuel Larned, Santiago de Chile. Encloses a copy of the latest number of his "Observations" which he has continued in rejoinder to renewed attack by (Juan) Egañá; reports widespread congratulations and thanks for his earlier effort (see above, Larned to Clay, November 5, 1825; Forbes to Clay, November 16, 1825). ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received July 13.

Miscellaneous Letters

March 16, 1826

To Gabriel Holmes, "H. R." States, in reply to Holmes’ recent letter (above, March 15, 1826), that Kelly "has a just claim . . . upon either Great Britain or Portugal," although the former would probably reject it on the ground that no provision was "made for it, in the Treaty of Peace"; points out that "Portugal, for suffering the violation of her Territory, ought to compensate the loss"; and states that, although "the prospect of success . . . is not very promising," he will upon receipt of the proper documents "cause an application to be made for indemnity." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 289 (M40, R19).

Applications, Recommendations

March 16, 1826

Dupee J. Pearce, Asher Robbins, and Nehemiah R. Knight recommend Sylvester Allen, of Barrington, Rhode Island, for appointment as consul in Puerto Rico. ALS by Robbins, signed also by Pearce and Knight. DNA, RG59, A. and R. (MR1). Knight, Senator from Rhode Island from 1821 to 1841, had been a member of the State House of Representatives (1821), clerk, successively, of two local courts (1805-1817), collector of the customs (1816), and Governor of the State (1817-1821). He was a bank president from 1817 to 1854. Allen, formerly (1811-1816) a justice of the peace at Barrington, did not receive Federal appointment.


Instructions and Dispatches

March 17, 1826

From Samuel Hodges, Jr., Villa da Praya, St. Iago (Cape Verde Islands). Encloses "the affidavit of Thomas Davis late Mate of the Brig George & James . . . condemned at Sierra Leone under circumstances exciting Suspicion that all was not legal on the part of the Captors." States that Davis is on his way to Boston. ALS. DNA, RG59, Cons. Disp., Santiago, vol. 1 (M-T434, R1). Received May 8. The affidavit reveals that Davis, of Boston, had shipped from Bahia on "the British Brig George & James" and had remained as mate after the vessel had been purchased on the coast of Africa by Captain F. Pollard, of Boston. On July 30, 1825, a British warship had seized the brig, during the absence of Pollard, and had taken it to Sierra Leone, where it had been condemned and sold. Davis further asserts that the bill of sale for the vessel had been taken from him by the boarding officers and not returned and that he had not been allowed to testify during the trial. Davis and Pollard have not been further identified.
MISCELLANEOUS LETTERS

March 17, 1826

To Thomas Newton. In answer to a letter (not found) from the Committee on Commerce, March 5, inquiring whether negotiation or legislation would be the better approach to the problem of trade with the British colonies, recommends negotiation, which will be resumed soon on this and other matters. Copy. DNA, RG59, Report Books, vol. 4, p. 152.

From E[benezer] Herrick, House of Representatives. Inquires whether, "during the late war with Great Britain, any instructions to the commanders of private armed vessels, were issued subsequent to the enclosed [not found]. . . ." ALS. DNA, RG59, Misc. Letters (M179, R4).

Daniel Brent replied, March 29, that "a research . . . through this Office and that of the 5th. Auditor of the Treasury, where the books and papers of the late Commissary of Prisoners are kept," failed to reveal "any instructions, subsequent in date to those of the 28th. of August 1812, which are herewith returned. . . ." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 296 (M40, R19). The instructions of August 28, 1812, had forbidden interception of American vessels "laden with British merchandize, in consequence of alleged repeal of the British Orders in Council," and had called for "assistance to the same, in order that such vessels and their cargoes" might be "dealt with on their arrival" as should "be decided by the competent authorities." Washington Daily National Intelligencer, August 29, 1812.

APPLICATIONS, RECOMMENDATIONS

March 17, 1826

David Trimble and others, Washington, recommend Samuel McKee of Kentucky for appointment as Chargé d’Affaires to Sweden. ADS by Trimble, signed also by fourteen other members of Congress. DNA, RG59, A. and R. (MR3). Cf. below, Clay to Appleton, June 8, 1826.

Edward Wyer, Washington, resigns his commission as consul at Hamburg; recommends the appointment of John Cuthbert to the vacancy. ALS. DNA, RG59, Cons. Disp., Hamburg, vol. 3 (M-T211, R3). See above, Cuthbert to Clay, June 16, 1825, note.

Tax Assessment, Town of Lexington

To Mr. H Clay  Lexington, March 18, 1826.

SIR—Your TAXABLE PROPERTY AND TITHABLES have been rated by the Assessors for the town of Lexington, for the present year, (1826,) as follows:

\[
\begin{array}{ll}
5 \text{ IN LOTS,} & 25,000 \\
1 \text{ OUT LOTS,} & 300 \\
\ldots & 25,300
\end{array}
\]

The buildings on your Real Estate in town are valued at $12000 for which it will be necessary for you to furnish 12 Fire Buckets.

Stephen Chipley,  Assessors.

N. S. Porter,

D (printed form). DLC-TJC (DNA, M212, R16).

1 Remaining categories of printed form omitted by editors.
INSTRUCTIONS AND DISPATCHES

From James E. Brice, Cap Haitien. Reports the end of the smallpox epidemic, which has reduced the population by one-tenth. Encloses the latest proclamation of J(ean) P. Boyer. ALS. DNA, RG59, Cons. Disp., Cap Haitien, vol. 5, (M9, R-T5).

From Joel R. Poinsett, Mexico, no. 39. Notes the departure of (James J.) Morier, after refusal of the Mexican Senate to confirm the appointment of one of the ministers (Manuel Gomez Pedraza) to accompany him to London for the purpose of attempting to conclude there the treaty with England (cf. above, Poinsett to Clay, February 1, 1826) and the continued coolness of the President (Guadalupe Victoria) toward the suggestion for postponement of "any contemplated expedition" against Cuba (see above, Poinsett to Clay, March 8, 1826). Reports that, having learned of a land grant on the Red River, "by the State of Coahuila and Texas," he warned the Mexican Government that he would "not consider any grant as valid that was made while the negotiations were pending, in the event of that portion of country being included by the Treaty within the limits of the United States" (cf. above, Poinsett to Clay, September 20, 1825). States that (Sebastián) Camacho has been ill for two months and that his illness has been used as an excuse for not renewing negotiations with the United States. LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received May 16. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1655.

MISCELLANEOUS LETTERS


From Frank (Francis) Jones, "District Atto for N Alabama," Huntsville. Requests advice and instructions in regard to suits in the district court, brought "by John Smith against Lewis Dillehunty [sic] and others, for a large quantity of land . . . lying in this District"; states that "the plaintiff claims . . . under a Deed of Conveyance from Zachariah Coxe [sic] the Tenants will defend under a title derived from the U. States"; adds: "in fact it is, the Georgia Yazoo business." ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Kelly to Clay, April 19, 1825.

Daniel Brent, "in the absence of the Secretary," sent to Jones, on July 14, 1826, "a Copy of Mr. Attorney General Wirt's observations upon the subject . . ." (below, Wirt to Clay, June 24, 1826). Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 351 (M40, R19).

From Edgar Macon, Orange County, Virginia. Encloses a letter addressed to him by (Edward F.) Tattnall; expresses a hope that Tattnall's testimonial in his favor will remove "the imputations" against his "reputation as an officer of government." ALS. DNA, RG59, Misc. Letters (M179, R64). See above, Macon to Clay, October 18, 1825; December 24, 1825; below, White to Clay, this date; Clay to Macon, April 8, 1826.

From Charles F. Mercer, "House of Reps." Suggests the expediency of taking the affidavits of (François W.) Armstrong and Gilbert (C.) Russell, both now in Washington, "to supply the loss of the testimony of" the late Richard J. Easter,
whose deposition, "recently called for by a resolution of the House of Representatives," had been forwarded to the Department of State by mail; urges the necessity of this action "to guard the public treasury from an unjust demand upon it... and to facilitate an execution of the laws, the restoration to their native continent, of a number of African captives now held in slavery." ALSDNA, RG59, Misc. Letters (M179, R64). See above, Lewis to Clay, September 29, 1825, note; Clay to Adams, March 7, 1826; Clay to House of Representatives, March 8, 1826. note; below, Clay to House of Representatives, April 6, 1826, note. On March 2 Mercer had introduced not only the resolution to which Clay had replied on March 8 but also one authorizing "the Committee on the suppression of the Slave Trade... to send for persons and papers." In defense of this latter request, he had argued that the investigation would "probably... be the means of detecting one of the most stupendous frauds which had ever received the inadvertent [sic] sanction of a Court of Justice any where, and at any time." Register of Debates, 19 Cong., 1 Sess., p. 1491.

From JAMES TALLMADGE, Albany. Encloses, in consideration of Clay's "known desire to promote the internal improvements of this country," a copy of "a Recent Survey of several contemplated Canal Routs [sic]" in New York. ALS. DNA, RG59, Misc. Letters (M179, R64).

From JOSEPH M. WHITE, Washington. Transmits letters "from Several of the most respectable inhabitants of East Florida," two of them "late members of the Legislative Council, one Inspector of the port, & the other Lieut Governor under the Spanish Government," and requests that the correspondence "be laid before the President." ALSDNA, RG59, A. and R. (M531, R5). Unaddressed; endorsed by Clay: "Mr. White, with letters recommending the removal of Mr Macon as Dl. Atto To be submitted to the President." The enclosures are two letters, one dated February 25, signed by George Gibbs, Peter Mitchel, and G(abriel) W(illiam) Perpall, and the other dated March 18, 1826, from George J. F. Clarke, both citing the discord created by Macon's "attempt to impeach" the judge for the District of East Florida (Joseph L. Smith).

Perpall, mayor of St. Augustine in 1821, had been appointed to the Territorial Legislative Council two years subsequently. Clarke, English by birth, naturalized as a citizen of Spain and, more recently, of the United States, had been a militia officer, customs agent, and lieutenant governor of East Florida under Spanish rule.

APPLICATIONS, RECOMMENDATIONS March 18, 1826

ELIZA C. RANKIN, Alexandria, solicits a clerkship for her son, Hugh T. Rankin, who has already presented to Clay a letter (not found) of recommendation from Judge (Bushrod) Washington, "to whom he is nearly connected"; mentions that her brother, Gustavus H. Scott, had promised to introduce her son to Clay. ALS. DNA, RG59, A. and R. (MR3). The Rankins not further identified; no appointment was granted the young man.

DIPLOMATIC NOTES March 19, 1826

JOS MARIA SALAZAR, New York. States that the Government of Colombia, desirous to give proof of a desire for reconciliation with Spain, has instructed its representatives in London and Paris to enlist the good offices of those courts in
the cause of peace and that he, himself, has orders to request the Government of the United States to attempt to induce Spain, if not to end the war by a treaty of peace, at least to suspend hostilities for ten or twenty years under the condition that, during this period of time, Spain should not send re-enforcements to Cuba, Puerto Rico, or the Marianas, while Colombia and her allies would not attempt to free these islands. LS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. I, part 2 (M51, R2). Translation published in Manning (arr.), Diplomatic Correspondence...Latin-American Nations, II, 1297-98.

INSTRUCTIONS AND DISPATCHES March 19, 1826

From R[ichard] C. Ande_rson, Jr., Bogotá, no. 40. Transmits a copy of a letter from (Joseph R.) Revenga in reply to information of the efforts of the United States at St. Petersburg relative to ending the war between Spain and the new American Republics (cf. above, Anderson to Clay, March 9, 1826); reports having learned that Great Britain has accepted an invitation to send a representative to the Panama Congress (see above, King to Clay, January 30, 1826); and notes reception of news of the fall of Callao (see above, Allen to Clay, February 23, 1826). ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T53, R3). Received May 1. Published in Manning (arr.), Diplomatic Correspondence...Latin-American Nations, 1298-99. In the enclosure, Revenga states that his government will not, without strong reason, move against the Spanish islands until Clay's letter to Salazar (above, December 20, 1825) has been considered at the Panama Congress.

MISCELLANEOUS LETTERS March 19, 1826

From Francis Johnson, Washington. Encloses a letter (not found) from Robert Crittenden, who wishes Johnson to have possession of the memorial to Clay "therein mentioned, for the purpose of endeavoring to obtain satisfaction for the lost property, by means of an act of Congress." ALS. DNA, RG59, Misc. Letters (M179, R64). On March 20, Daniel Brent wrote to Johnson that he was returning a letter from Crittenden to Johnson, that the memorial mentioned in it had never been received in the State Department, and that he believed (Robert P.) Letcher, who some time ago had also made inquiries to Brent on the subject, "had found the evidences of the claim at the War Office." DNA, RG59, Dom. Letters, vol. 2!, p. 292 (M40, R19). In 1830, on Johnson's motion, the Committee of Claims of the House of Representatives presented a bill for the relief of Thomas W. Newton, assignee of Robert Crittenden, for the value of two horses, "lost for the want of forage, by...Crittenden in the service of the United States, in the Seminole War, in May," 1818. The measure passed on May 29, 1830. U. S. H. of Reps., Journal, 21 Cong., 1 Sess., p. 464; 6 U. S. Stat., 438.

APPLICATIONS, RECOMMENDATIONS March 19, 1826

SECRETARY OF STATE

HENRY R. WARFIELD, Frederick (Maryland), solicits appointment as (William C.) Somerville's successor. ALS. DNA, RG59, A. and R. (MR4).

To [Simon] Gratz and Brother

Gent. Washn. 20 March 1826.

Having this day received a letter from Mr. Binney, I have requested him¹ to close the transaction respecting the $4151 97/100 in your hands adjudged to my testator Col. Morrison, by taking your note &c. and giving the time promised in my letter to you. You will therefore oblige me by closing it accordingly with him.

I am respectfully Your ob. Servt.

H. CLAY


¹ The exchange of letters with Horace Binney has not been found.

DIPLOMATIC NOTES

March 20, 1826

From JOSE MARIA SALAZAR, New York. States that (Juan Maria) Gómez, Secretary of Legation, will place in Clay's hands a letter (above, March 19, 1826); requests Clay to inform him whether, in view of the situation in Europe, the note should be altered; explains his own inability to come to Washington at this time. LS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. 1, part 2 (M51, R2).

INSTRUCTIONS AND DISPATCHES

March 20, 1826

To JOEL R. POINSETT [no. 10]. States the case of the schooner Fair American, owned by Thomas Wilson, Baltimore merchant, which with her cargo was seized earlier in the year by Mexican customs officials, "upon the ground that the vessel and cargo were not provided with the requisite Consular Certificates," in spite of the fact that the Mexican vice consul at Baltimore had informed Wilson that such certificates were not necessary at Refugio. Adds: "The seizure of a valuable vessel and Cargo, for the non-compliance with such a formula as that of procuring Consular certificates of their origin and character, under any circumstances, would be altogether disproportionate to the offence, and most rigorous. But it is impossible that a seizure, under the actual circumstances of the Fair American and her cargo, should be enforced. Respect for the Authorities of the United Mexican States alone forbids my characterizing it by the epithet which belongs to the transaction. I cannot doubt that, upon a representation which you are now requested to make to the Government of Mexico, in behalf of Mr. Wilson, it will promptly order the restoration of his property, with a just indemnity for its iniquitous seizure and detention." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 18-19 (M77, R6). ALS draft, numbered 10, in DLC-HC (DNA, M212, R7). Wilson, a Quaker, had been active in coasting trade between Boston and Baltimore during the War of 1812 and for some time during the same period had served as resident partner of his shipping firm in La Guaira, Venezuela. He remained in mercantile business until 1857,
when he limited his operations to dealing in securities and to philanthropy. The claim for the loss of the *Fair American*, amounting to $103,099 in principal and interest, was finally encompassed in the settlement of 1842 under the United States convention of 1839 with Mexico. Wilson was awarded $47,191.32, payment of which was deferred until 1848. *House Docs.*, 27 Cong., 2 Sess., no. 291, p. 51; U. S. Sen., *Journal*, 29 Cong., 1 Sess., p. 133; Miller (ed.), *Treaties*, IV, 205-206; 9 U. S. Stat., 265 (July 29, 1848).

From HEMAN ALLEN, Valparaiso, no. 29. Reports the arrival, on March 2, of the Director (Ramón de Freire), who has stated his intention of convening a Congress, of tendering his resignation, and of sending “a Minister to the United States, which the want of means, had heretofore prevented”; notes his understanding that (Joaquin) Campino, has been named for that position; gives information on the surrender of Callao; states that Peru has invited Chile to send “a Minister to the celebrated *Panama Congress*,” that he does not know whether the invitation will be accepted, and that he has “uniformly contended, that such an *assemblage* was premature, and would be productive of no good”; withdraws the favorable comments, made in his dispatches no. 1 and no. 10 (addressed to John Quincy Adams), on the American consul, (Michael) Hogan, and “a certain Mr. Bullus . . .” ALS. DNA, RG59, Dip. Disp., Chile, vol. 1 (M-T2, R1). Received July 11. Extract published in Manning (arr.), *Diplomatic Correspondence . . . Latin-American Nations*, II, 1110-12. Bullus, not further identified, had lived with the Hogan family as a child.

From JOHN M. FORBES, Buenos Aires, no. 34. Describes naval action in the war with Brazil; states that proposals have been made by Buenos Aires to purchase the Chilean fleet; notes that the Congress has recessed. Continues, on March 28, by reporting two interviews with the President of the Republic of La Plata (Bernardino Rivadavia), who, upon being told that the United States would send a commercial agent rather than a “political Minister” to the *Panama Congress* (cf. above, Clay to Anderson, March 15, 1826), “expressed his great satisfaction” and added that he would follow the example of the United States, “who, from the wisdom and experience of their Cabinet, as well as their great national Character and strength, ought to take the lead in American policy.” Adds that the President, seeking closer relations with the United States, promised to name a Chargé d’Affaires to Washington as soon as the Congress granted the necessary appropriation, which he had requested four days earlier. Closes the dispatch on March 29. LS. DNA, RG59, Dip. Disp., Argentina, vol. 2 (M69, R3). Received July 11. Published in Espil (comp.), *Once Años en Buenos Aires*, 418-21.

From CONDY RAGUET, Rio de Janeiro, no. 7. Reports continued suspension of relations between Brazil and Portugal in consequence of the refusal of the Minister of Foreign Affairs (António Luís Pereira da Cunha, the Viscount of Inhambúpe) to receive (José Clemente) Pereira, who thereupon accompanied Sir Charles (Stuart) “to Bahia in pursuit of the Emperor”; notes that over two months have passed with no announcement of the ratification of the treaty (see above, Raguet to Secretary of State, March 11, 1825, note). Reports also the receipt of information of “the non-ratification of the treaties between Brazil and Great Britain” (above, Raguet to Clay, October 26, 1825) and states that he has been told that Sir Charles “was not empowered to make those treaties.” Comments on preparations for the return of the Emperor and the tranquility of the capital during his absence. States that (Theodore Joze) Biancardi has not departed for Panama and that it is questionable whether he was ever meant to go.
Declares that justice in the cases of the Spermo and the Exchange (see above, Raguet to Secretary of State, March 11, 1825) will not be done until he is instructed to demand it in a stronger tone and that in the case of the Morning Star (see above, Clay to Raguet, April 16, 1825) "no redress can be expected" because "the very documents admit a violation of the navigation laws of this country. . . ." Notes that the President's message, received through English newspapers, has not been republished; that news of the war with Buenos Aires is unfavorable to Brazil; and that the United States Ship Cyane, Captain (Jesse D.) Elliott, lately arrived from New York, has sailed for the River Plate for the purpose of protecting American commerce. Cites, in this connection, the case of the Grace Ann, "stopped in December, in the River Plate, by the blockading squadron, and sent to Monte Video, after having had part of her crew taken out"; explains that, because the vessel, released after "a few days detention," subsequently put into Buenos Aires, Brazilian authorities had issued, on January 19, "an order, declaring that no foreign or national vessel should be permitted to depart with cargoes of foreign production, without giving security, to the value thereof, that she would not enter 'the ports of the Republic of Buenos Ayres';" and comments that this "singular mode" of enforcing the blockade "ought to be resisted" but, if protested against now, might be made worse. ALS. DNA, RG59, Dip. Disp., Brazil, vol. 4 (M127, R6). Received May 30. Extracts published in American State Papers, Foreign Relations, VI, 1027.

MISCELLANEOUS LETTERS

March 20, 1826

From John H. Bryan, "[A. R.] Dowsons No. 2" (cf. above, I, 877). Inquires, for use in "a suit pending in the Superior Court of Craven, N. C.,” whether the treaty of amity and commerce between the United States and the Netherlands, of October 8, 1782, is "now in force—and if not when it expired." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay on verso: "Send a similar letter to that addressed to Mr. [William] Gaston" (above, August 31, 1825). Bryan, Representative in Congress, 1825-1829, was a lawyer from New Bern, North Carolina, where he had been born. He had been graduated in 1815 from the University of North Carolina, of which he was a trustee from 1823 to 1868, and had been a member of the State senate in 1823 and 1824. In later life he practiced law in Raleigh.

From John Scott, Washington. Inquires about the status of the claim of (Auguste P.) Chouteau and (Jules) De Mun against the Mexican Government. ALS. Ibid. Endorsed on verso by Clay: "Mr. Brent will have extracts from the dispatches of Mr. Poinsett made to comply with this letter." See above, Chouteau and De Mun to Clay, May 3, 1825. On March 23 Daniel Brent sent Scott an extract from Poinsett's dispatch of November 23, 1825. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 295 (M40, R19).

From Thomas W. White, Richmond. Requests Clay's aid in sending, through the medium of the "American Advisers to the Congress of Panama," to "the brave and liberal-minded [Simón] Bolivar, a few copies of Mr Garnetts Lectures on Female Education. . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). Born in Williamsburg, Virginia, and apprenticed to a printer, White had moved to Richmond in 1807, where, after brief sojourns during the next decade in Norfolk, Philadelphia, and Boston, he remained as printer and publisher the remainder of his life. There he founded the Southern Literary Messenger in 1834. James
Mercer Garnett, a planter near Loretto, Virginia, had been a member of the State house of delegates in 1800 and 1801 and again in 1824 and 1825, Congress­man from 1805 to 1809, president of the Fredericksburg Agricultural Society, since 1817 (to 1837), and, following financial reverses in the early 1820's, proprietor of a school on his plantation. In 1824 Garnett had published *Seven Lectures on Female Education*, advocating a broad educational background for women in preparation for independent careers, if desired.

**APPLICATIONS, RECOMMENDATIONS**

March 20, 1826

RICHARD BLAND LEE, Washington, solicits appointment to fill the vacancy, as Chargé d'Affaires to Sweden, occasioned by the death of his "respected friend & acquaintance Mr. [William C.] Somerville"; recalls his own services to the country during the Revolutionary War, and afterward; cites his understanding of the French language which appears now to be the diplomatic language of the world. Expresses approbation of the conduct of the administration; and declares that Clay's "personal course for the last fourteen years, . . . has been liberal, magnanimous, useful & national." ALS. DNA, RG59, Misc. Letters (M179, R64).

To John Bradford

Washington 21 Mar. 1826.

I recd. the letter which you addressed to me in [sic] the 8h. instant, in respect to the Morrison Hall.¹ I had previously answered one from Dr. Drake on the same subject.² I think such a building may be erected, and that among the purposes of the University to which it may be applied, that for the Medical school may be deemed a fit one. I could advance, on account of the residuary legacy to the University, good property and good debts, at this time, which might be used in erecting the proposed building, but I could not advance money as yet. I hope to be in Lexington this summer and it will perhaps be better to postpone any definitive steps until I get out.³ If the Morrison Hall be determined on now, preparations might be made this summer and fall and the house completed next year. Perhaps in the course of next year I could make advances of money.

I have not yet satisfied myself in regard to a Successor of Mr. Holley.⁴ Bishop Chase (who stopt with me several weeks) conversed with the Revd. Mr. Johns⁵ at Frederick, on his (the Bishops) way to the West. He did not seem inclined to go, but was not decisive. I am afraid the difficulty which is supposed to exist of pleasing in our State, and the distracted condition of our domestic affairs, will both operate against our obtaining such a man as may be desirable.

I am Yr's truly

H CLAY

Mr. John Bradford
ALS. KyLxT.

My Dear Sir New York 21 March 1826

Your letter of the 11th.1 reached here in due Season, but owing to my casual absence from town was not received by me till some day or two afterwards, when the account of the confirmation by the Senate of the mission2 had also reached us— Hence it was not published as otherwise it would have been— I have worked up a part of it, in an editorial article of to day,3 & shall do the same in the Course of a few days with the sequel relative to the Creek treaty4—

I most cordially congratulate the President & yourself on the effect, universal & uniform, as far as I can judge of his message to the House5— It is a most admirable paper—and will assuredly place the Senate before the Country in a most unenviable light— Do not fail to keep me informed from time to time of what is going on— relying that your letters will be seen by none but myself—Will Tazewell’s report be published?6—I wish it no worse, than a comparison with the message—

The coquetry between Van Buren & Clinton7 begins to assume the appearance of open prostitution— I do not beleive [sic] Mr V. B. can carry the party with him into the arms of Clinton and if not Clinton will not give much for Van Buren’s single carcase— Efforts are making in the proper quarters to undermine Mr V. B.—and he will have hard work to carry his points—

Beleive me with great truth & regard Yrs Ever CHAS. KING

I hope your health is improving—keep that & all is well— C.K.

ALS. DLC-HC (DNA, M212, R2).
1 Not found.
2 To the Panama Congress.
3 For the New York American.
4 See above, Clay to Brooke, November 30, 1825, note. No editorial on this subject appeared during the next few weeks.
5 Of March 15, 1826; published in House Docs., 19 Cong. 1 Sess., no. 129, pp. 3-13. The message included Clay’s report to Adams, above, March 14, 1826.
6 Early in the congressional session Littleton W. Tazewell had actively opposed Adams’ appointment of the mission to Panama, purportedly both by speech and as the author of the report of the Senate Foreign Relations Committee. Hugh Blair Grigsby, Discourse on the Life and Character of the Hon. Littleton Waller Tazewell, Delivered in the Freemason Street Baptist Church before the Bar of Norfolk, Virginia, and the Citizens Generally, on the 29th Day of June, 1860 (Norfolk, 1860), p. 59. Tazewell, however, had become seriously ill and returned to his home in Norfolk before the report and its consequent debate occupied the Congress. The report, published in Sen. Docs., 19 Cong., 1 Sess., no. 68, pp. 57-76, was presented to the Senate by Nathaniel Macon, as chairman of the committee; Tazewell’s name does not appear in the recorded account of the executive proceedings.
7 See above, Porter to Clay, March 4, 1826; Hammond to Clay, March 16, 1826.
MARCH 22, 1826

INSTRUCTIONS AND DISPATCHES

March 21, 1826

From THOMAS L. L. BRENT, Lisbon. Describes the ceremony preceding the interment of the body of the King (John VI) and, later, another at which the princesses received the diplomatic corps; refers to the uncertainty as to whether the new government will decide on any important matter “until don Pedro shall be heard from”; suggests that any alteration of his instructions, in regard to commercial relations between the United States and Portugal, should be sent as soon as convenient. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received May 4.

From Rufus King, London, no. 25. Requests delivery of an enclosed letter informing the President of his resignation of “the Mission to this Country”; states his unwillingness to delay departure beyond June; and notes that the Secretary of Legation (John A. King) will be left in charge of the mission. LS. ibid., Great Britain, vol. 32 (M30, R28). Received May 1.

MISCELLANEOUS LETTERS

March 21, 1826

To John H. Bryan. States, in response to his “Letter of yesterday,” that the treaty with the Netherlands is considered to be in full force. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 293 (M40, R19).

To James Brown

Washn. 22d. Mar. 1826

I transmit you inclosed the third number of a bill for 5000 franks [sic] to reimburse the cost of the articles purchased for us at Paris.¹ These articles we received about three weeks ago, and we are highly pleased with them. They are in good taste and at the same time are not extravagant but very moderate in their prices.

The Panama mission was decided last week (24 to 19).² The Administration has gained a great triumph over the Opposition; for the measure is universally popular. I think the administration will have in future less difficulty. The Georgia & Creek affair remains to be settled by Congress.³ In that matter the Executive is impregnable; and the opposition is in a dilemma from which they can escape no way, without success to the administration. There is no probability whatever of any amendment to the Constitution. The proposition has lost ground ever since the commencement of the session.⁴ I am glad to learn from your last letters that your health has improved. I do not anticipate any objection to your wished for visit to Savoy;⁵ but on that subject it will be time enough to decide hereafter. My own health is passable. I think if I could travel a quiet journey to Kentucky, after the close of the Session, it wd. restore my health entirely. Our friends there, with the exception of
poor little Tom Hart, were well at our last dates. He cannot live long. Our family here is very small. We have sent James under the auspices of Bishop Chase to a preparatory School which he directs in Ohio. Little John, Mrs. Clay, Miss Hall & myself alone compose the white part of my family.

With our cordial regards to Mrs. Brown I am Yr’s truly H Clay

James Brown Esq.

ALS. KyLxT-Haupt Collection.
1 Cf. above, Clay to Brown, February 21, 1826.
2 Cf. above, Clay to Anderson, March 15, 1826.
3 Cf. above, Clay to Southard, July 3, 1825, note. An appropriation bill, signed May 22, 1826 (4 U. S. Stat., 191) was necessary to put the new treaty into effect.
4 Cf. above, Clay to Hammond, November 1, 1825; below, Shaw to Clay, August 27, 1826, note.
5 See above, Brown to Clay, January 13, 1826.
6 Thomas, son of Nathaniel G. S. Hart, died September 1, 1826.
7 James Brown Clay; Philander Chase. See above, Chase to Clay, January 27, 1825.
8 John M. Clay.
9 Sarah Hall.

From James Brown

Paris March 22, 1826

The death of the Emperor has been followed by that of the King of Portugal and it is not improbable that the Emperor of Austria may sink under his present indisposition. Three events could scarcely be imagined, which could have an equally important influence upon the state of Europe, and perhaps of the greater portion of the world. The first has gone far already to destroy the wide spread apprehensions created by an idea of Russian power, and with that, has diminished the force of the Holy Alliance. The attention of that Monarch, is now attracted by the State of his own country, and it promises to give him full employment, without leaving him time or means to meddle in the affairs of both Continents. Notwithstanding the apparent popularity enjoyed by Alexander, it is now proved that extensive conspiracies had been formed against him many years ago, that they continued to increase in force and numbers in spite of his vigilant police and strong government, and that their ramifications are so extensive, that three months has not afforded time enough to discover many of those who are supposed to be implicated. Already it is rumoured have forty thousand fallen under the notice of the commission appointed to examine into the plot, and of these, it is said, twelve thousand have already been arrested. But the most alarming circumstance in the transaction is to be found in the standing and characters of the accused, nearly all of whom appertain to the Nobility, and have been considered as the best instructed men in the Empire. To punish with death the principal conspirators, will give offence, not only to their relatives, but also to the class to which they appertain.
To pardon them after exposing their names and characters, would incite them and their confederates to form new conspiracies. The news from Russia has been withheld [sic] except as detailed by permission, and of course we are kept in ignorance as to the greater part of what is passing in that Empire.

The death of the King of Portugal will afford the only crowned head of the New World, 4 a fit occasion to leave the land of Democracy, and to take refuge among kindred monarchs in Europe. I hope events, when the invitation to him arrives at Rio Janeiro, will be such, as will incline him to accept it, and that the people may have good sense enough to know that they can dispense with his services. Those new States have trouble enough in store for them, in the armies of intriguers in the shape of Jesuits priests and Missionaries, which will be sent in Swarms from the European Hive to prey upon their industry, and practice upon their credulity. I would consider them as in infinitely less danger were Morillo 5 again to land on their shores with fifty thousand of the best Spanish troops, than I shall believe them to be, when they receive some thousands of Jesuits and Priests, such as infest this ill fated Country. If with the law in full force against them, they have taken possession of a country as enlightened as France, and can reckon amongst their order, thousands of men in the highest rank and Station, what may they not do in the New Republics, where no law prevents their establishment, and where the prejudices of the people are favorable to them—

The death of the Emperor of Austria would leave that Empire under the rule of a prince, whose intellects are but little above idiocy, and whose disposition is obstinate and tyrannical 6 —

The financial condition of England is such, as to incline that Government to preserve peace at almost any sacrifice. The distresses now pervading all classes of the people, and the termination of which cannot be predicted, with the discontents in Ireland, are serious subjects of alarm, and sharply incline them to preserve a state of tranquility—

If Spain would terminate the war, and open relations with her former Colonies, perhaps industry might revive, and some hope might be left, that she would regain a moderate share of prosperity— But arguments addressed to her rulers in favor of this course have little weight. They are under a state of moral duress, and dare not act without the consent of the priests and fanatical party which governs the King 7 and Ministry. If France could be induced to threaten to withdraw her troops, and thus alarm this party, as well as the Monarch, it is possible some decisive step might then be taken— Russia has neither the dispositions nor the influence with Spain which can aid in producing this decision. Under this impression
I have on every proper occasion urged the Ministers here to press the subject earnestly upon the Spanish Government, and I hope before any very distant day it will be done. I have no reason to suspect the sincerity of Mr De Villele on this subject.

Mr Barnet's illness has prevented him from searching for the papers asked for by the Heirs of Commodore Truxton. He is somewhat improved in health but is still confined to his bed.

I have been so fortunate since my return from the Mineral Springs of Aix in Savoy as to suffer no pain, but the sensibility and strength in my left leg and foot are not entirely restored—It would be necessary to my complete recovery to spend about three weeks at the same waters in July and if my public duties would permit I should be happy to be absent on that journey about four weeks from Paris. Mr Sheldon now enjoys tolerable health and would cheerfully attend to the ordinary business of the Legation during my absence.

Mrs. Brown enjoys her accustomed good health and spirits and joins me in affectionate regards to Mrs Clay.

I am Dear Sir very truly Your faithful servant

JAMES BROWN

Hon. Henry Clay.

ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received May 1.

1 Alexander I; John VI; Francis I.
2 Nicholas I.
3 See above, Middleton to Clay, January 2, 7, February 11, 1826.
4 Peter I, of Brazil.
5 Pablo Morillo.
6 Cf. above, Lafayette to Clay, January 22, 1826, note.
7 Ferdinand VII.
8 Isaac C. Barnet; Thomas Truxton. See above, Clay to Brown, January 19, 1826.
9 Daniel Sheldon.

DIPLOMATIC NOTES

March 22, 1826

From Charles R. Vaughan, Washington. Informs Clay that the British Government "is preparing to proceed in the important negociations between that Country and the United States, now placed in the hands of the American Minister in London"; states that (Henry U.) Addington has been associated with (William) Huskisson for this purpose, "and it will be for the Government of the United States to judge whether, considering the state of the health of Mr. Rufus King, which Mr. [George] Canning laments to say, has been since his residence in England far from satisfactory, will join any other negotiator in the Commission with him."

LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

MISCELLANEOUS LETTERS

March 22, 1826

To Robert R. Stewart, Philadelphia. Encloses "the evidence of" his appointment as "Consular Commercial Agent at Trinidad in the Island of Cuba." Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 383-84 (M78, R2). Stewart acknowledged, from Trinidad, receipt of this communication, May 18, 1826. ALS. DNA, RG59, Cons. Disp., Trinidad, Cuba, vol. 1 (M-T699, R1).

To Thomas W. White. States, in reply to his letter of March 20, that Bolivar would doubtless receive copies of "Mr. Garnett's Lectures . . . with very great satisfaction" but regrets "that it does not appear . . . to be entirely proper to use the Department of State as a medium of placing them in his possession." Adds that he "should regret it the more, if private opportunities, especially to Caracas, were not so frequent, and the work needs no such recommendation as would be implied by its going through an official channel." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 294 (M40, R19).

APPLICATIONS, RECOMMENDATIONS

March 22, 1826

John Binns, Philadelphia, recommends, in expectation of passage of "the bill authorising the appointment of a vaccine Physician and that he will be appointed in this city," Dr. Aaron B. Tucker of Philadelphia. ALS. DNA, RG59, A. and R. (MR4). The legislation proposed in a bill of December 20, 1825, was not enacted at this time. U. S. Sen., Journal, 19 Cong., 1 Sess., p. 52; House Docs., 20 Cong., 1 Sess., no. 66. Dr. Tucker, recently of Baltimore, now practiced in Philadelphia.

P[hillip] R. Fendall, Washington, expresses gratitude "for the condescension and kindness of" Clay's remarks to him on the preceding day; adds, in reference to this sentiment: "its force can never be diminished, even though circumstances may not occur to realize your benevolent dispositions in behalf of a stranger [cf. above, III, 360], whose only title to them is a political attachment to your self, which, since he has been old enough to observe public men, has been exclusive and uniform." Refers to "desired employment," which, if afforded, he will assume "under the twofold stimulant of gratitude and patriotism." ALS. DLC-HC (DNA, M212, R2). On May 1, 1826, the Washington Daily National Journal carried the first of a series of letters signed "Patrick Henry," continued in issues of June 7, August 4, 5, and 8, 1826, attacking John C. Calhoun for partiality in his conduct as president of the Senate. These letters, attributed to Fendall, were subsequently published as An Argument on the Duties of the Vice-President of the U. States, as President of the Senate, and on the Manner in Which They Were Discharged, during the First Session of the 19th Congress, by the Honourable John C. Calhoun (Washington, 1827). On March 3, 1827, Fendall began employment as a clerk in the State Department, where he remained until his removal by the Jackson administration at the end of April, 1829.

DIPLOMATIC NOTES

March 23, 1826

From the Baron de Mareuil, Washington. Transmits two copies of "un nouveau programme" of the institution, founded in Paris by the Abbé de l'Epée, for the education of the deaf and dumb. Notes France's leadership in this work, and that the institution will train foreigners in the instruction of the deaf and dumb or even send instructors abroad. Requests, for possible use of the Royal Institution at Paris, "les Statuts" of any such establishments in the United States that are sufficiently advanced to need no directions from abroad. LS, in French,
with translation in State Department file. DNA, RG59, Notes from French Legation, vol. 9 (M58, R7). Charles Michel, Abbé de l’Épée, born at Versailles in 1712 and ordained in 1736, had begun teaching deaf mutes and founded his own school, which was succeeded by the Institution Nationale des Sourds Mutés, established by the French National Assembly in 1791.

INSTRUCTIONS AND DISPATCHES March 23, 1826

To James Brown. Introduces (George H.) Richards, recently resigned from a clerkship in the Treasury Department, who is “about to visit Europe, with the view of disposing of some patent rights, and of attending to other private interests . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 19 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7). This letter was sent also to (Rufus) King and to (Henry) Middleton. Copy, in NHi-Gallatin Papers (MR13).

From John R. Thomson, “Late U S Consul at Canton,” Philadelphia. Forwards “the Return of the American Trade to China for the last 3 Seasons.” ALS. DNA, RG59, Cons. Disp., Canton, vol. 1 (M101, R1). Among the enclosures is a “Recapitulation” (of a “Memorandum of Merchandise & Specie exported to Canton by Thomas H. Smith in Season of 1825”), which bears two marginal notes. The first, followed by the names (in the same hand) of Thomas H. Smith and Charles Henry Hall, states that “raw Cotton has been exported to China, and I have myself sent 1500 Bales in one year to Canton, and whenever the article may be afforded here at Ten Cents pr lb. the Same will go to Canton in preference to Specie . . .” The second note, unsigned, is as follows: “The object of this paper is to show, that the China Trade in the exports from this Country is not confined wholly to Specie as was declared in Congress at the time of revising the Tariff on Silk Goods, and which opinion prevailed; and led to the laying on of a discriminating Duty of Five p. Cent; and which, if continued, will destroy the Trade in China manufactured Silks; especially so, since England has taken off the import and export duties on raw silk, which causes the E[ast]. I[ndia]. Company to make large purchases of the Same at Canton.” Smith, who had begun business as a grocer at the turn of the century, was the leading tea merchant in the United States and at this time carried on most of New York’s Canton trade. Richard Cornelius McKay, South Street, a Maritime History of New York (New York, [c. 1931]), p. 98; Robert Greenlagh Albion, The Rise of New York Port, 1815-1860, with the collaboration of Jennie Barnes Pope (Hamden, Conn., 1961), p. 198. Hall not further identified.

MISCELLANEOUS LETTERS March 23, 1826

To Louis McLane, “Chairman Committee W. & M. H. R.” Transmits, in response to the request (not found) made yesterday, an estimate of the appropriation needed “for the proposed Mission to Panama.” The estimate includes outfits for two Envoys, $18,000; salaries for the same two for one year, $18,000; secretary to the Mission, $2,000; and contingent expenses, $2,000; making a total of $40,000. Copy. DNA, RG59, Report Books, vol. 4, p. 153. Published in American State Papers, Foreign Relations, V, 899.

From Francis W. Armstrong, “Browns Hotel Washington City.” States that (Daniel) Brent has handed him the letter (above) from Mercer to Clay, March 18; encloses, in response to it, the required depositions (by himself and Gilbert
C. Russell); expresses a belief that the documents originally sent had been destroyed in the mail. ALS. DNA, RG59, Misc. Letters (M179, R64).

From H[ENRY] C. CAREY and I[SAC] LEA, Philadelphia. Enclose a “prospectus of Strickland's Reports,” some copies of which Clay may desire for the use of his department. The price of the Reports has been fixed at $10 per copy. ALS. Ibid. Isaac Lea, naturalist and publisher, was a son-in-law of Mathew Carey. The firm, H. C. Carey and I. Lea, was successor to M. Carey and Sons, in which Lea had been a partner and which had been dissolved upon the retirement of the elder Carey in 1824. William Strickland’s observations in Europe resulted in his Reports on Canals, Railroads, Roads, and Other Subjects, Made to the Pennsylvania Society for the Promotion of Internal Improvements, published by Carey and Lea in 1826.

From DAVID B. OGDEN, New York. Reports a suggestion by (Henry) Eckford and (Peter) Harmony, owners of the General Brown, that, since (Simón) Bolívar was at Lima at the time the vessel was seized and condemned (see above, Tudor to Clay, June 8, 1825) and since he is expected to attend the Panama Congress, the American ministers to Panama be instructed “to enquire into the matter. . . .” ALS. DNA, RG76, Misc. Claims #1-235, file 1887, box 4.

APPLICATIONS, RECOMMENDATIONS March 23, 1826

JAMES D. BRECKINRIDGE, Louisville, withdraws his earlier recommendation of (Robert) Trimble for appointment to the Supreme Court; now recommends John J. Crittenden. ALS. DNA, RG59, A. and R. (MR1). On January 21, 1826, Breckinridge and others had addressed a petition to President Adams in behalf of Trimble’s appointment. Ibid. (M531, R8). Cf. below, Clay to Hammond, April 19, 1826.

JOHN CARTER, House of Representatives, recommends James F. Conover, editor of the Cheraw Intelligencer (South Carolina), for appointment to a consular or any other office. ALS. DNA, RG59, A. and R. (MR1). Carter, a Camden, South Carolina, lawyer, graduate of South Carolina College (now the University of South Carolina), was a member of Congress from 1822 to 1829. He resided in Georgetown, D. C., from 1836 until his death in 1850. Conover, not further identified, received no appointment.

LEWIS CASS, Detroit, recommends (Andrew G.) Whitney for appointment to a clerkship in the Department of State. ALS. Ibid. See above, Whitney to Clay, August 23, 1825, note.

R[OBERT] N. MARTIN and others, Washington, recommend William Goldsborough, a “young gentleman” of Talbot County, Maryland, for a clerkship in the State Department. ALS by Martin, signed also by seven other members of the Maryland delegation in the House of Representatives. DNA, RG59, A. and R. (MR2). Martin had been born in Cambridge, Maryland, and had practiced law in Princess Anne, Maryland, since 1819. After one term in Congress (1825-1827), he moved to Baltimore to practice his profession. He became chief justice of the Western Judicial District of Maryland (1845-1851), a member of the supreme court of Baltimore (1859-1867), and professor of international law at the University of Maryland at Baltimore from 1867 until his death in 1870. On Goldsborough, who received no appointment, see below, Kent to Clay, January 26, 1827.
JOSEPH G. NANCRED, Philadelphia, refers to a conversation with Clay concerning the vaccine bill now before Congress (see above, Binns to Clay, March 22, 1826); notes that since 1816 he has been “at the head of the Vaccine Institution” of Philadelphia; states that it was through his efforts that the present bill was introduced in Congress, that he went to Washington to testify in its behalf, that while there he “heard with astonishment” of efforts “to rob” him of the fruits of his labor, and “that at the very moment” when he was working for passage of the bill “a medical man [Aaron B. Tucker] was actually engaged in obtaining recommendations for the contemplated office.” Submits his own application for the appointment, if the bill is enacted. ALS. DNA, RG59, A. and R. (MR4). Endorsed by N(athaniel) Chapman (AES), on the same date, testifying to the accuracy of Nancrede’s statement and endorsing his application.

The Vaccine Institution of Philadelphia had been established in 1816 under an ordinance of the Select and Common Councils of the City of Philadelphia. House Docs., 20 Cong., 1 Sess., no. 66. Nancrede, born in Boston, the son of a French nobleman who had fought in the American Revolution, had been educated in Montreal and Paris and graduated in medicine in 1813 at the University of Pennsylvania. He had resided briefly at Louisville, Kentucky, and in 1816 removed to Philadelphia, where he lived the remainder of his life.

INSTRUCTIONS AND DISPATCHES
March 24, 1826

From ALEXANDER BURTON, Cádiz. Encloses copies of a new tariff on imports and a decree making the rates effective May 1. Notes that “The produce of the United States does not appear to be favored, with the exception of Rice, on which the duty is reduced.” ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received June 6.

From J[oel] R. POINSETT, Mexico, no. 40. Refers to “the expedition fitting out in Carthagena” against Cuba and the expectation that (Simón) Bolívar will command it; notes the willingness of Colombia for (David) Porter, if he is in the service of Mexico (cf. above, Williamson to Clay, July 27, 1825, note), to command “the combined squadrons”; and expresses belief that the Mexican “Executive . . . will send the squadron, which they consider themselves as having a right to dispose of without consulting Congress. . . .” Reports that “The Emigrants from Cuba,” dissatisfied with their treatment by Mexico, “will go to Colombia to join the expedition there.” Encloses a letter to C(harles) J. Ingersoll informing him of the success of his claim (see above, Clay to Poinsett, September 12, 1825). LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received May 16.

MISCELLANEOUS LETTERS
March 24, 1826

From L[ouis] McLANE, “Committee Room.” Inquires, with reference to the estimate furnished for appropriations for agents to the Panama Congress (above, Clay to McLane, March 23, 1826), whether (Richard C.) Anderson (Jr.) is to be allowed “his salary as Minister at Columbia [sic]” while at Panama. Also requests information concerning allowances for outfits and, specifically, whether usage would authorize a full outfit for Anderson. ALS. DNA, RG59, Misc. Letters (M179, R64).

To LOUIS McLANE. States, in reply to McLane’s note of this morning, “that it is not contemplated by the President to allow Mr. Anderson more than one
salary, during his service on the proposed Mission to Panama," and, in regard to the inquiry about outfits, "that the practice has not been always to allow a full outfit where the transfer has been temporary, but the amount of the allowance has varied according to circumstances. The general rule has been to allow a full outfit where the transfer from one Mission to another has been permanent. If the requisite authority is conferred, the President is disposed, considering the importance and peculiarity of the Mission to Panama, to allow Mr. Anderson a full outfit." Copy. DNA, RG59, Report Books, vol. 4, pp. 153-54. ALI draft, in DLC-HC (DNA, M212, R2). Published in American State Papers, Foreign Relations, V, 990.

APPLICATIONS, RECOMMENDATIONS March 24, 1826


INSTRUCTIONS AND DISPATCHES March 25, 1826

From ALEXANDER H. EVERTT, Madrid, no. 28. Transmits "a copy of the new Tariff which has just made its appearance"; notes "a considerable reduction of the duties on most articles, and some which were wholly prohibited, including Cotton, Sugar and Rice, are now admitted at low rates of duty," but "Grain and Flour are prohibited." Reports that he has discovered in the Spanish commercial regulations a law providing for admission of foreign vessels into Spanish ports "on the same footing upon which Spanish vessels are admitted in the ports of the nations to which such vessels belong." Notes that this law, if applied to the commerce and navigation of the United States, would "remove all difficulty at once . . . and . . . form the basis of an arrangement . . . on the principle of complete reciprocity." States that he has "purchased for the National Library two copies of an important work that has just been published here upon the voyages of Christopher Columbus." LS. DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Received June 14. Endorsed in margin in a strange hand: "Note The Books referred to are kept for the Library of Dept. of State." A national library was envisioned as an accompaniment of the proposal for a national university, to which John Quincy Adams had alluded in his annual message of December 6, 1825 (above, Clay to Stuart, December 1, 1825, note). G. Brown Goode, "The Origin of the National Scientific and Educational Institutions of the United States," in American Historical Association, Papers, IV (April, 1890), 92, 96. Of the various departmental libraries, that of the State Department, begun in 1790, was earliest and, from the Secretarieship of John Quincy Adams through the mid-1830's, most assiduously developed. Its annual expenditures of about $9,000 in the latter years were about twice those of the Library of Congress, founded in 1800 with an annual appropriation of but $5,000, to cover both book purchases and housing. 2 U. S. Stats., 55-56; Leonard D. White, The Jeffersonians, a Study in Administrative History, 1801-1829 (New York, [c. 1951]), p. 292; White, The Jacksonians, a Study in Administrative History, 1829-1861 (New York, [1954]), p. 544. The volumes which
Everett had acquired were the first two of five in the *Coleccion de los Viajes y Descubrimientos, que Hicieron por Mar los Espanoles desde Fines del Siglo XV; con Varios Documentos Ineditos Concernientes a la Historia de la Marina Castellana y de los Establecimientos Espanoles en Indias*, arr. and illus. by Martin Fernandez de Navarrete (Madrid, 1825-1837).

From William Shaler, Algiers. Encloses a copy of a resolution signed by all the consuls in Algiers relative to the establishment there of a cemetery for Christians; requests instructions concerning what he “may further do in the case.” ALS. DNA, RG59, Cons.Disp., Algiers, vol. 11 (M23, R-T13). Received June 15.

**MISCELLANEOUS LETTERS**

March 25, 1826

From R[alph] I. Ingersoll, “House of Reps.” Encloses “an account of twenty four dollars, against the Department of State,—in favour of the publisher of the ‘Journal of Science.’” Requests a check in payment. ALS. DNA, Accounting Records, Misc. Letters. A second cousin of Edward Ingersoll, Ralph Isaacs Ingersoll was a New Haven, Connecticut, lawyer. Graduated from Yale College, he had served in the State legislature (1820-1825), was a member of Congress from 1825 to 1833, and became United States Minister to Russia (1846-1848) and mayor of New Haven (1851). The *Journal of Science* had been established at New Haven in 1818 by Benjamin Silliman, who continued as publisher throughout his life. Silliman, graduated from Yale, educated as a lawyer, and in 1802 admitted to the bar, had in the latter year begun a career as professor of chemistry and natural history at Yale which earned him distinction as lecturer and educator. Apart from the *Journal of Science*, he published the *Elements of Chemistry* (New Haven, 1830-1831), several travel accounts, and numerous books and articles on geological investigations. He was the first president of the Association of American Geologists (1849) and became (in 1863) a charter member of the National Academy of Sciences.


**APPLICATIONS, RECOMMENDATIONS**

March 25, 1826

Mathias McGirk, Loutre Island (Missouri), solicits appointment as judge of the circuit, to be created, composed of Indiana, Illinois, and Missouri; states that he is a judge of the Missouri Supreme Court. ALS. DNA, RG59, A. and R. (MR3). McGirk, born and educated for the bar in Tennessee, had settled in St. Louis in 1814, had become prominent as an attorney there, had served in the Missouri Senate in 1820, and in 1821 had become chief justice of the State supreme court. He remained in the latter office until 1840. On the desired Federal appointment, cf. above, Hammond to Clay, January 4, 1826, note.

Ebenezer Tucker, Washington, encloses testimonials from Dr. (Philip Syng) Physick and (John) Binns (above, to Clay, March 22, 1826) relative to the fitness of Dr. (Aaron B.) Tucker “for vaccine agent, in case the reported bill should pass”; requests that Dr. Physick’s certificate (not found) be returned. ALS. DNA, RG59, A. and R. (MR4). Ebenezer, father of Aaron B. Tucker, had been born in New Jersey, had served in the Revolution, had subsequently engaged in shipbuilding and mercantile operations, had been postmaster of Tuckerton (1806-1825, 1831-1845), had held a series of minor judicial offices, and was now (1825 to 1829) a member of Congress. Dr. Physick, born in
Philadelphia and educated in medicine and surgery in London and Edinburgh, had begun practice in his native city in 1793. From 1794 to 1816 he served on the staff of the Pennsylvania Hospital, founded in Philadelphia in 1751. He lectured from 1800 to 1819 at the University of Pennsylvania. Known as the “Father of American Surgery,” he contributed numerous advances in the technique and theory of his profession.

R. C. Weightman, Washington, recommends Philip Robinson, an American merchant at Curaçao, to be consul there. ALS. Ibid. (MR3). See above, Robinson to Clay, February 27, 1826.

MISCELLANEOUS LETTERS

To [Samuel L. Southard]. Recommends the bearer of this letter (not identified) for appointment as midshipman. ALS. CtHi. Endorsed by Daniel Brent with his own recommendation of “the young Gentleman mentioned above...”

APPLICATIONS, RECOMMENDATIONS

March 26, 1826


From George Graham

Hon: Henry Clay Sec. of State G. L. O. 27. March 1826

Sir,

I have the honor to return herewith the papers left by you, in relation to the confirmations made to Lawrence Haff’s Legal Representatives, and to Nicholas Lecompte, accompanied by a statement of the causes which prevent the patents from being issued—A patent cannot be issued on the Survey made in the name of John Ascitz, in consequence of its disagreeing with the Township plat on file in this Office.¹ The Surveyor General has been requested to give the necessary explanations.

Before a patent is granted on the New Madrid Certificate, in favor of Wm. Robertson,² it will be necessary for this Office to have satisfactory evidence that the person who relinquished to the United States the tract originally confirmed to Mr. Robertson had authority to perform that Act—Measures have been taken to procure this evidence. A patent for the land confirmed to Jordan under John F. Michan [sic],³ will be sent to you this week—

I am &c. ........................................ Geo: Graham

¹ None of the above mentioned parties has been identified. On Hall, cf. below, Graham to Clay, May 12, 1826.
² Robertson, an early (by 1805) settler of Louisiana Territory, since deceased.
³ Jordan, not identified; possibly Jean Michau, a justice of the peace of Washington County, Northwest Territory (Ohio), in 1791, who had moved to St. Louis by 1805.
From Lafayette

My dear Sir

Paris March 27h 1826

As I am writing to You By the packet I shall only in these lines introduce to Your Acquaintance General Narvace,1 a member of the Colombian Senate and of Bolivar's military family who after Having Brought over the treaty with Great Britain,2 and paid a visit to paris, is Returning Home through the United States. there He will witness the Superiority of Republican institutions over the Half Civilisation, at Best. of the European Countries. May He also, and His fellow inHabitants of the South Be Convinced that from AmeriCan diplomacy alone they Can expect Honest Advice and Sincere Sympathies?

Most truly and Cordially Your affectionate friend

LAFAYETTE

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

1 Juan Salvador Narváez, born in Cartagena, had participated in the uprising which had initially proclaimed Colombian independence, had been attached to the forces of Simón Bolivar as early as 1815, had risen to the rank of general during the revolutionary conflicts of the early twenties, had headed the local government of Cartagena and of the Department of Cundinamarca, and had sat in the Colombian Senate before his mission and extended visit to Paris. He died later in 1826, following his return to Cartagena.

2 See above, Watts to Clay, May 10, 1825.

MISCELLANEOUS LETTERS

March 27, 1826

From E[lisha] Whittlesey, Washington. Transmits, by direction of the Committee of Claims, "documents in the cases of Messrs Potts and Clements which have been referred to that Committee"; inquires whether "the vessels mentioned in the papers were employed for the purposes stated by the petitioners," whether (Andrew) Pettit was "the authorized agent of the Government in chartering these vessels," whether a contract was made, and whether the case is different "from that of Mr Forrest for which relief was granted the last Session." ALS. DNA, RG59, Misc. Letters (M179, R64). Under an act of May 8, 1812 (2 U. S. Stat., 730) Congress had authorized President Madison to send provisions to the Government of Venezuela for the relief of victims of a severe earthquake there on March 25-26 of that year. Among others, Andrew Pettit, a merchant and insurance broker of Philadelphia, had been directed to purchase and ship flour and corn to La Guaira. The goods had been shipped on the brig Cumberland and the schooner Active Trader, vessels owned by Jacob Clements, also of Philadelphia. Arriving at their destination in June, the cargoes had been placed in charge of the American consul. On July 30, Royalist forces had overrun the city and seized both the vessels and the remaining cargo. The vessels had been released in October, but the consul reported damages to them amounting to $4,938. The Cumberland was then sold "at a great sacrifice," while the Active Trader was wrecked en route home. By act of March 3, 1839 (6 U. S. Stat., 792) Nathan Potts and Samuel Clements, assignees of Jacob Clements, were awarded $4,628 in compensation for the claims. House Repts., 20 Cong., 1 Sess., no. 41; 25 Cong., 2 Sess., no. 1047. Under an act of March 3, 1825 (6 U. S. Stat., 323), Joseph Forrest, Washington auctioneer had been awarded $2,136 for damages to the schooner William Yeaton, also seized at La Guaira under similar circumstances.
JOHN O'FALLON, Saint Louis, states that Judge Nathaniel Pope has asked him for a recommendation for appointment as circuit judge of the new circuit, including Indiana, Illinois, and Missouri, likely to be created by enactment of the judiciary bill now before Congress (cf. above, Hammond to Clay, January 4, 1826, note); that he and Pope "are personal and political friends"; that, however, he considers Pope "unqualified for the appointment of Circuit Judge"; and that he knows "no person, in either State, possessing sufficient legal acquirements and abilities, to pretend to such a station as Circuit Judge." ALS. DNA, RG59, A. and R. (MR3). Pope, born in Louisville, Kentucky, had attended Transylvania University, studied law, and practiced his profession for a few years in Ste. Genevieve, Missouri, before moving to Illinois. He had been secretary of Illinois Territory, 1809-1816, and Delegate to Congress, 1816-1818. He was United States judge for the Illinois District from 1819 until his death in 1850.

EBEn[ezER] TUCKER, Washington, encloses recommendations (possibly above, Lewis to Clay and Wharton to Clay, both March 24, 1826) for the appointment of Dr. Aarion B. Tucker as vaccine agent. ALS. Ibid. (MR4).

To [Samuel L. Southard]

Sir. Washington 28h. March 1826

I am informed by my agent at Lexington that there is some Crude and Refined Salt petre and some brimstone [sic] at that place, belonging to the Navy. Those articles were under the care of my testator the late Col. James Morrison, Navy agent at that place. What shall be done with them? Shall I direct them to be sold? I have the honor to be Your ob. Servant H. CLAY


1 Robert Scott. No letter in this connection has been found.

From David Todd

Dear Sir. Franklin 28th March 1826.

[Recommends his neighbor, Andrew S. McGirk, a lawyer by profession, a member of our Legislature, a soldier in the late war, and disabled by a wound in his arm, not so as to prevent any active exertion," as agent to the Osage Indians, "In consequence of the death of Govr. McNair." Also attests to the capability and honesty of Dr. Nathaniel Hutchinson, should the latter seek appointment to replace General (Thomas A.) Smith, who is expected to resign from "the Receivers office at this place."]

I have regretted that, to the appointment of Young Ewing Esqr. at Lexington Mo., there should have been objections. I trust it will be confirmed; I am most intimately acquainted with him,
and if there be an honest, irreproachable man in those points necessary to this office, on earth, he is one. In my own opinion, expressed to him, he should not have received from Genl McRay the late Receiver, the disposition of the office: but he was imposed upon by their marriage connection, and gave too easy an ear to his application and that of the community to be the temporary deposite of the office. With truth, no man can establish an act of dishonesty, or improper connection with the late receiver. This justification of him arises from a belief that his opponents have charged him, with an improper connection with Genl. McRay, to subserve their purposes.

I will observe to you, that in the late management of the affairs of this (Franklin) Land office, I am well informed that the officers conceived themselves entitled to a per cent upon the amt. of monies due on relinquished lands, and have retained accordingly, the Register (the late one) did receive & recd. for his proportion: of course the receivers accounts will shew the transaction & amount. Where an opinion could be so erroneously formed, such doubts should certainly have arisen, as to demand advice before the act was done. The fees paid by individuals was [sic] considered ample remuneration.

You discover me free to name to you, breaches of duty arising here when I know them— I am no informer but I have discovered much disposition in those remote regions, for public Servants to do as their pleasure more than their duty prompts them.

Accept my best regard, both for Mrs. Clay & yourself.

Yours very sincerely

DAVID TODD


2 McGirk had been a member of the Missouri Legislature as early as 1820.

3 Alexander McNair had died March 18.

4 Coroner of Howard County as early as 1817.

5 A native of Virginia and former brigadier general in the United States Army, who had resigned from military service in 1818 to become receiver of public moneys of the land office at Franklin, Missouri Territory. He acquired land in Saline County, Missouri, where in 1826 he built a home; but he continued as receiver at Franklin for three more years. He was a brother of John Smith, also of Missouri Territory.

6 No objection has been found. Cf. above, Ewing to Clay, August 15, 1825, note.

7 Relationship not found.

8 John Miller, a native of Virginia, had served four years, until February 19, 1826, as register of the Franklin land office; his nomination for reappointment had not received Senate confirmation.

INSTRUCTIONS AND DISPATCHES March 28, 1826

To Joel R. Poinsett, no. 11. Transmits papers relative to the claim of Jethro Mitchell (see above, Poinsett to Clay, July 29, 1825, note); requests Poinsett to make representation to the Mexican Government for restoration and indemnity. Concludes: "I am anxious that there should be as little delay as possible in this reclamtion, as the above papers were deposited in this office prior to my entry upon the duties of it, and, having been then mislaid, were only
recovered to-day." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 20 (M77, R6).

From Robert Monroe Harrison, Antigua. Reports a visit to the island "by an Inspector from the Custom House in London, who has caused the charge of from twelve to Sixteen dollars for the Admeasurement of American vessels to be abolished! the same being illegal"; declares that Americans "have a right to expect the money thus illegally extorted from them to be refunded"; and notes that he loses no time in reporting "this information, in order that Government may take such steps as . . . might be deemed proper." ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received April 12.

MISCELLANEOUS LETTERS

March 28, 1826

From John Reed, House of Representatives. Encloses "Papers in support of a claim of Mr. Jethro Mitchell against certain citizens of Mexico or the Government"; asks that they be "forwarded by the first safe conveyance to Mr. [Joel R.] Poinsett." Notes that he took the papers "from the Office of the State Department three days ago where they were mislaid & had remained a year last fail & for the Want of which Mr. Poinsett has not been able to obtain the claim referred to." ALS. DNA, RG59, Misc. Letters (M179, R64). Reed, a native of Massachusetts, a graduate of Brown University, and a lawyer, was a member of the United States House of Representatives (1813-1817 and 1821-1841) and later (1845 to 1851) Governor of Massachusetts.

APPLICATIONS, RECOMMENDATIONS

March 28, 1826


To [John Quincy Adams]

Department of State Washington, 29. March 1826.

[Reports, in response to the resolution addressed to the President by the House of Representatives, March 27, 1826, that no answer from the State Department was made to (Joel R.) Poinsett's dispatch no. 22 because the reply (November 9, 1825) to his dispatch no. 18 (September 13, 1825) had "superseded the necessity, as was believed, of any more particular reply; to No. 22"; that extracts from the instructions to Poinsett of March 25, 1825, are herewith enclosed;] That the United States have contracted no engagement nor made any pledge to the Governments of Mexico and South America, or to either of them, that the United States would not permit the interference of any Foreign power with the Independence or form of Government of those Nations; nor have any instructions been issued authorizing any such engagement or pledge. It will be seen that the Message of the late President of the United States of the 2d December 1823 is adverted to in the Extracts now furnished.
from the instructions to Mr. Poinsett and that he is directed to impress its principles upon the Government of the United Mexican States. All apprehensions of the danger, to which Mr. Monroe alludes, of an interference, by the Allied Powers of Europe, to introduce their political systems into this Hemisphere, have ceased. If indeed an attempt by force had been made by Allied Europe to subvert the liberties of the Southern Nations on this Continent, and to erect, upon the ruins of their free institutions, monarchial systems, the people of the United States would have stood pledged, in the opinion of their Executives, not to any foreign State, but to themselves and to their posterity, by their dearest interests and highest duties to resist to the utmost such attempt; and it is to a pledge of that character that Mr. Poinsett alone refers.

[Reports also extracts from Poinsett’s dispatch of August 21, 1825, relative to the concern of the Mexican Government at the presence of the French fleet in the West Indies, and explains that Poinsett’s earlier letter on the same subject (August 17, 1825) has been mislaid.]

All which is respectfully submitted. H. CLAY.


1 The resolution requested information relating to “such parts of the answer of the Secretary of State to Mr. [Joel R.] Poinsett’s letter to Mr. Clay, dated Mexico, 28th September, 1825, numbered 22, as relates [sic] to the pledge of the United States, therein mentioned, and, also, to inform this House whether the United States have, in any manner, made any pledge to the Governments of Mexico and South America, that the United States would not permit the interference of any Foreign Power with the independence or form of government of those nations...” An amendment had also called for a copy of Poinsett’s communication informing “the Government of the United States, that the Mexican Government called upon this Government ‘to fulfill the memorable pledge of the President... in his message to Congress of December, 1823 [the Monroe Doctrine].’” U. S. H. of Reps., Journal, 19 Cong., 1 Sess., p. 384. See also below, Brown to Clay, May 29, 1826.

From Lafayette

Paris March 29th 1826

My dear Sir

We are Anxiously waiting for the Arrival of two New York packets; I Hope they will Bring me Some lines from You. at all Events I will know what is going on at Washington and other parts of the U.S. a food to my Mind, a Consolation of My Heart, which Has Become more than Ever Necessary to me. I am Happy to think the Panama Mission is Now on its way. I believe it of High Moment for the welfare of South America and Mexico, for the prospects of Mankind, and for the dignity of the People of the U. S. that they preserve and Exert the moral influence to which they are So fully Entitled.

this letter Accompanies an offer presented to You of the Collection
of General Foy's Speeches which Have the additional merit of Being a Complement of the National Subscription in Behalf of His Children. the Conduct of the people in that Circumstance Has Been Marked with feeling and propriety. the editors are men of Remarkable talents.¹

the European News papers, Your Correspondance [sic] with the AmericAn Ministers Leave me But little to Say on political topics. I am By this Same Opportunity writing to the president, and think it Needless to Repeat My observations. present My Best Respects to Mrs Clay and family, Remember me to our friends, and Receive the Best wishes in which My Companions Heartily Join of Your Affectionate friend

LAFAYETTE

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.


DIPLOMATIC NOTES

March 29, 1826

From the BARON DE MAREUIL, Washington. Complains of a disturbance in the street under his window, during the preceding night, the breaking of a pane of glass, and the theft of two outside lanterns; expects Clay to call this matter to the attention of the proper authorities. LS. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7).

INSTRUCTIONS AND DISPATCHES

March 29, 1826

To NATHAN LEVY, St. Thomas. Encloses his commission as consul for the Island of St. Thomas, printed circular instructions, and blank consular bond. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 384 (M78, R2).

From RUFUS KING, London, no. 26. States that, "Without power, or influence," he is unable to send "information of any thing doing in the Duties of the Legation. . . ." Requests delivery of an "enclosed Letter to the President." LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received May 24. In the enclosure, dated March 29, King explains the reasons for his resignation: "The uncertain condition of my health, joined to the abrupt termination of duties confided to me. . . . The Transfer to Washington of matters entrusted to me at this Post, is an indignity to my feelings, and evinces a defect of confidence in me. . . ." See above, King to Clay, March 3, 1826.

MISCELLANEOUS LETTERS

March 29, 1826

From EBEN BABSON, Norfolk. Expresses surprise at the non-acceptance of a draft, for $100, drawn by William R. Higinbotham on Clay, for which he advanced the money to Higinbotham; asks that an explanation be sent to William B. Quarrier, Norfolk. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on cover (AEI): "Mr [Daniel] Brent will write to Mr. B. informing him that it has been determined to pay no more drafts of Mr. H. until he makes certain

From JAMES BARBOUR, Department of War. Returns the letter (not found) of E. Philips to Clay relative to a claim for a horse stolen by Indians; reports that the case has been referred to "Genl. [William] Clark, the Superintendent," who states that the sum of $60, already paid, was "the full value of the Horse." Copy. DNA, RG75, Letters Sent, vol. 2, p. 484. Philips not identified. Clark had been appointed Superintendent of Indian Affairs at St. Louis in 1807.

From WILLIAM WOODBRIDGE, Detroit. Forwards "abstract of the Executive proceedings of this Government" (Michigan Territory); explains delay in filing by reference to his heavy duties during the "absence of Govr. [Lewis] Cass for almost the whole of last summer & winter." Complains that his salary "is too small." ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), Territorial Papers, XI, 961-62.

Receipt to Francis Johnson

[March 30, 1826]


AD. DLC-TJC (DNA, M212, R16). Cf. above, Scott to Clay, October 6, 1825.

From James Brown

Paris March 30, 1826

My dear Sir

It was my intention to have sent you a despatch by this opportunity, but having been confined to my room for the last five or six days by a severe attack of Influenza accompanied by sore throat and much inflammation [sic] in my breast I have been compelled to postpone writing till the 15. 1 This delay is not very material, as indeed nothing has occurred on this continent since my last 2 of an interesting character. The Emperor of Austria and the King of G Britain 3 have recovered from their late illness. The want of all intelligence from Russia inclines many to think that all is not well in that Empire. The English papers would have us believe that the Duke of Wellington has induced the Emperor 4 to consent 1st. That the peace of Europe shall not be disturbed by any attack on Turkey. 5 2nd. That the great Continental powers will join England in a Declaration to be made to the port [sic] that he shall withdraw his troops from Greece and permit the Greeks to decide upon their own form of Government. 6 The general sentiment here is very favorable to the Greek Cause and large sums are raising by subscription to send them supplies. The Ministry has been accused of permitting the
Turks to build ships at Marseilles and to engage Officers and men to embark in the contest whilst a similar permission has been refused to the Greeks. The papers of yesterday state that the troops under Ibrahim Pacha made an assault on Missolunghie [sic] on the 29 Feby but were repulsed with great loss and that supplies have been thrown into that fortress sufficient to enable it to hold out three months.7

The Chamber of Peers is now engaged in the discussion of the Project of of [sic] a law in favor of the eldest sons and for permitting estates to be entailed. The opposition in the Chamber of Peers is stronger as well in talents as in numbers than that in the Chamber of Deputies. The law will pass notwithstanding its unpopularity.8

The law for distributing the Indemnity is now sent to the Peers and will I believe pass without amendment.9

Mr. De Neuville is warmly embarked in opposition to the Ministers—speaks often—and vehemently but does not seem to have much weight—

Mrs Brown joins me in affectionate regards to Mrs. Clay

I am Dr Sir yours truly

James Brown

ALS. DLC-HC (DNA, M212, R2).

1 Brown wrote another personal letter to Clay April 13, but his next numbered dispatch was dated May 13, 1826 (both letters below). 2 Above, March 22, 1826. 3 Francis I; George IV. 4 Nicholas I.

5 Cf. above, Brown to Clay, January 13, 23, February 13, 1826; Lafayette to Clay, February 28, 1826. 6 Cf. below, Middleton to Clay, June 13, 1826. 7 Cf. below. Brown to Clay, April 13, 1826. note. 8 The proposal, representing an effort of the "Ultras" to check not only democracy but also the moderation of the Villele ministry, was defeated. The Chamber of Peers, composed largely of former officials and ministers, "had retained a vague Liberal tradition, and this reform, which in spirit, though not so much in its practical application, amounted to a manifesto against the established order of society," frightened it." Lucas-Dubreton, Restoration of the July Monarchy, 106. 9 See above, Brown to Clay, February 13, 1826 (Private).

From Susan Wheeler Decatur

My Dear Mr Clay,

George Town March 30 1826

I am told that Baron de Tuylly and myself are likely to involve the two Nations in a long and bloody war— a few days before his departure from Washington, I inform'd him through Baron Maltitz, that his Servants were bargaining for the sale of all the flowers and Shrubbery in the garden; and threatening other destruction of the premises1—that I hop'd he wou'd not permit them to violate either the usage or the courtesy of the Country— The day after his departure, I was inform'd that the Steward had begun to dig up the Shrubbery, and had declar'd that so soon as he had sold every thing out of the garden he intended to plough up the ground and to do
the place all the injury in his power—I immediately sent to inform Baron Maltitz of what was going on and requested him to prevent it—he replied that he was very sorry for it, but cou’d not interpose, as Baron Tuyll had given his orders to his domestics before he went away—As these persons are not amenable to the Law, I then order’d the notice to be put in the papers; and which is consider’d a dreadful outrage upon Imperial dignity!!!

I consider it the duty of a foreign Minister to see that his Domestics conduct themselves like civiliz’d Beings; and when he chooses either to permit or to encourage them to act like Savages, I am too much of a Democrat to treat them or himself as if they were princes! There never was the slightest difficulty with the proceeding Tenants, the Baron de Neuvile and the Count de Menou; because they behav’d like the representatives of a civiliz’d Nation, whereas, I am sorry to say, the conduct of Baron de Tuyll has been, (or rather that he has permitted), that of a Bear!

The Steward during this winter, fitted up a parlour for himself, and Baron Tuyll refus’d to pay for it—The Steward then applied to me to pay for it; but I did not choose to indulge him in an expence which his Master had refus’d—especially as they were about leaving the House; and as I had already made great sacrifices of my interest for the Barons convenience—When the term for which he had engag’d the House, had expir’d, I had an opportunity to let it for three years to one of the other Ministers; but to save Baron Tuyll the trouble of moving (as his health was bad) I let him engage it for six Months; with a perfect conviction that in doing so I shou’d have it left upon my hands twelve or eighteen months after his departure—And I moreover permitted him to build a temporary Green House for his amusement last Winter, by which I forfeited my policy of Insurance, and was oblig’d to incur a most inconvenient disbursement in taking out a new and more expensive one—after all these sacrifices he thought proper to give his Servants permission to tear down, sell and demolish whatever they thought proper—When a gentleman of my acquaintance requested the Steward not to let the Servants injure the property, he replied that a foreign Minister’s Servants were quite as good as any American Gentleman!

I put you in possession of these facts, that you may know something of the Case when it comes before you officially—and you may with truth assure the Baron, that the Government is not sufficiently Despotic [sic], either to controul the liberty of the press, or the tongue of woman!

If it shou’d be found necessary to appoint commissioners to accommodate this breach, I have to request that I may be represented by females—

I beg you to beleive [sic] me Very sincerely Yours S. Decatur
ALS. DLC-HC (DNA, M212, R2). Susan Wheeler Decatur, widow of Stephen Decatur, was a daughter of Luke Wheeler, merchant and former (1805) mayor of Norfolk.

1 The Decatur House, designed by Benjamin Latrobe and erected in 1819, located at H Street and Jackson Place, N. W., in Washington, had been rented by the Baron de Tuyll.

2 The notice, unsigned, requested “persons ... not to purchase from the domestics of the Baron de Tuyll the flowers and shrubbery in the Gardens attached to the house ...” and explained that De Tuyll had been “permitted to occupy the house at a reduced rent, in consequence of his putting the grounds in order, and therefore they have not a right to deface them.” Washington Daily National Intelligencer, March 23, 25, 27, 1826.

3 The matter did not arise.

From Charles King

Dr Sir (private) New York 30 March 1826

You will have seen in the Baltimore papers a Contradiction by authority of Genl Smith of the statement of his being in the Senate & bursting into tears when Randolph attacked him—No one knows whence I derived my information, nor will any one know. I pray you however to ascertain more particularly the facts of this case for me, so that I may be justified in the Eyes of my readers, as not having published upon light authority circumstances detailed with such apparent accuracy—Continue to write to me, using all caution as to the Exactness of what may be reported to you, and rely upon my fidelity to keep you unknown—

Noah’s Advocate has openly transferred the republican party to Clinton, as you will have seen—His late associate E. J. Roberts has abandoned him to become the Editor of the old Advocate, in which character he makes his debut this morning, and roundly denounces his former Colleague—In the quarrel the truth will leak out—the Albany Argus, Van Buren’s paper is shy & says nothing—the Coalition will not I think go—at least the substantial portion of the republican party will not be transferred—

What are you doing at Washington—Who goes to Sweden—who to Peru—? I ask for information: but have no interest in the persons who may be applicants—Will the Panama question Soon Come to a close in the House & Will the Commission Sail before the Yellow fever Season—

Yrs in haste but truly CHAS. KING

Hon: H. Clay

ALS. DLC-HC (DNA, M212, R2).

1 Reference not found.

2 Mordecai M. Noah; New York National Advocate.

3 DeWitt Clinton.

4 Elijah J. Roberts had been one of the founders of another journal at Homer, New York, in 1820.

5 Cf. above, Stuart to Clay, March 15, 1825, note.

6 On April 3, 1826, the leading editorial of the Argus urged a noncommittal attitude toward the Adams administration. Edwin Croswell, the editor, explained to Van Buren that, while “Republicans of this State” had “a great aversion towards Mr. Adams,” they also had “a great aversion ... to any collision with the administration which ... [should] drive them to the support of Mr. Clinton. ... ” Lynch, An Epoch and a Man: Martin Van Buren and His Times, 298. Cf. below, Rochester to Clay, May 9, 1826.

7 See below, Clay to Appleton, June 8, 1826; above, Clay to Yancey, March 2, 1826.

8 See below, Clay to Ministers at Panama, May 19, 1826.
DIPLOMATIC NOTES

To the Baron de Mareuil. Expresses regret for the disturbance described in Mareuil’s letter of “yesterday”: states that he has communicated the affair “to the proper officers of Government,” whom he expects to exert “their utmost diligence” in arresting and punishing the guilty, “and that every practicable precaution will be taken to prevent the recurrence of similar excesses.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 257 (M38, R3). ALI, in CSmH.

MISCELLANEOUS LETTERS


To the Mayor of Washington [R. C. Weightman] and Marshal, District of Columbia [Tench Ringgold]. Transmits a translation of the Baron de Mareuil’s letter (above, to Clay, March 29, 1826) and expresses confidence that they “will redeem the assurance” he has given the Baron regarding punishment of the guilty persons and prevention of “recurrence of similar irregularities.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 297 (M40, R19).


From S[amuel] L. S[outhard], Navy Department. Observes, in answer to Clay’s letter of March 28, “that it is desirable that all the articles belonging to the Navy left at Lexington by the late Navy Agent, be removed to the Navy Yard at New York.” Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 175.

To John Randolph

Sir

Washington 31 March 1826

Your unprovoked attack of my character, in the Senate of the U. States, on yesterday,1 allows me no other alternative than that of demanding personal satisfaction. The necessity of any preliminary discussions or explanations being superseded by the notoriety and the indisputable existence of the injury to which I refer, my friend General Jessup [sic]2, who will present you this note, is fully authorized by me forthwith to agree to the arrangements suited to the interview proposed. I am, Your obedient Servant H. Clay

The Honorable John Randolph

ALS facsimile. DLC-HC (DNA, M212, R2) and NN. ALS draft, in DLC-HC (DNA, M212, R9).
In a long, rambling discussion of the Adams administration, the (Federal) Constitution, the Congress of Panama, and other subjects, Randolph had accused President Adams and Clay of corruption, of an "alliance, offensive and defensive," of the management of the 1825 presidential election, and of the manufacture of letters to Congress, purportedly from Latin America, in support of the Panama Congress. He termed "this Panama mission ... a Kentucky cuckoo's egg, laid in a Spanish-American nest," and referred to Adams and Clay as "the coalition of Blifil and Black George—by the combination, unheard of until then, of the Puritan and the blackleg." Register of Debates, 19 Cong., 1 Sess., pp. 389-404. "Blifil" and "Black George" were characters in Henry Fielding's Tom Jones.

DIPLOMATIC NOTES

March 31, 1826

From HILARIO DE RIVAS Y SALMÓN, Philadelphia. Refers to a letter of November 12, 1820, from General (Francisco Dionisio) Vives to Clay's predecessor (John Quincy Adams) demanding relinquishment of a suit brought in New Orleans against Joseph Nicolas de Villavazo, Spanish vice consul there; explains that the suit had been instituted by Dr. Luis Sere, owner of the corvette Cora, which had been detained at Campeche as a result "of a secret information" given by Villavazo "officially to the Captain General of Yucatan"; points out that Vives' demand was based on the immunity of the Spanish vice consul from responsibility "to the American Authorities for his official acts": reports having learned, to his surprise, that the trial continued and that Villavazo has been fined $10,000; argues that this decision must not be allowed to prevail; and requests that the President be reminded of Vives' note, that steps be taken to exonerate Villavazo, and that he be freed of further molestation in this case. LS, in Spanish, with translation in State Department file. DNA, RG59, Notes from Spanish Legation, vol. 8 (M59, R11). Villavazo and Sere have not been further identified.

INSTRUCTIONS AND DISPATCHES

March 31, 1826

From JOHN CUTHBERT, Hamburg. Encloses a letter from the Senate of Hamburg to the President of the United States, written with the object of obtaining the advantages of the bill, now before the United States Senate, concerning discriminating duties, should that bill be enacted (see above, Clay to Lederer, December 20, 1825, note). Notes that, in conversations on the subject, the Syndics of Hamburg "pretend to the right (on the ground of reciprocity)" of carrying productions of any part of the world to the United States in Hamburg vessels on the same terms as those accorded goods imported in American vessels; states that he has always denied the existence of this right; explains why he thinks it should not be granted. ALS. DNA, RG59, Cons. Disp., Hamburg, vol. 3 (M-T211, R3). Received June 8.

From JOSHUA DODGE, Marseilles. Expresses thanks for a letter from the Department of State, forwarding the leave of absence granted him by the President, ALS. Ibid., Marseilles, vol. 2 (M-T220, R-T2). Received June 5. See above, Dodge to Clay, September 7, 1825, and note.

MISCELLANEOUS LETTERS

March 31, 1826

From JOHN ORDE CREIGHTON, Washington. Reports "The Circumstances of the Case to which" he called Clay's attention earlier in the day, involving a claim for the sum of $200 advanced by himself, when "Commanding Officer in the Mediterranean," to (Joseph Nicholas) Morillo, who had been left in charge of
the United States consulate in Tripoli by (Thomas D.) Anderson (cf. above, Shaler to Clay, October 6, 1825, note) and who had been destitute of funds at the time. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on verso by Clay: "To be submitted to the President for his decision if the claim is to be allowed. H C." Creighton, born in New York, had entered the Navy as a midshipman in 1800, had been promoted to master-commandant in 1813 and to captain in 1816, and in 1829 became commander of the United States squadron off Brazil.

From Peter Force. States that (John B.) Colvin's niece has asked him to inquire whether the State Department owes her uncle any money. Adds that Colvin is not expected to live, is "entirely destitute of money," and has "few friends to aid or comfort him." ALS. Ibid. Colvin died on this date; his niece has not been further identified.

From George Hebb, Baltimore. Reports having been informed that the late (William C.) Somerville left most of his property to his brother, H (enry) V. Somerville, and that the will has been received at the State Department; states that it is important for the latter, now in Louisiana where "he has a cotton & sugar Estate . . . on which he has many slaves," to know "the disposition made by his late Brother of his slaves, as they are principally hired to H. V. S. to conduct a Tobo. plantation in this state"; and asks for a copy or abstract of the will. ALS. Ibid.

From Nicholas D. Coleman

Dear Sir

Lexington Ky—April 1st. 1826

We have not been inform'd as yet what State will be united with ours to form a judicial District for the U States.¹

If Ohio and Kentucky form one we have heard that Mr McLane perhaps will receive the Appointment of Circuit Judge in room of Judge Todd²

Some time ago the members of the Bar at Cynthiana where I Still reside addressed a letter to the President expressing a desire that Judge Trimble³ should receive that appointment. If he obtain it, and it meet the views of the executive I should be glad that Judge Adam Beatty of Mason should be placed in the station of Judge Trimble.

You are personally acquainted with the qualifications of Judge Beatty and know that perhaps no man in our state could perform the duties of the Office with more satisfaction—

Our State still labors under high political excitement, but my impression is that the appointment of Beatty would be acceptable to all parties. Such is the Confidence in his ability and integrity

Believe me Sir yours with Much personal regard—

Nicholas. D. Coleman.

ALS. DNA, RG59, A. and R. (MR1). Coleman, son of James Coleman of Harrison County, Kentucky, was a graduate of Transylvania University and a lawyer. He had been a member of the State legislature in 1824 and 1825 and was a Representative in
From Thomas S. Jesup

Sir

Washington city April 1st. 1826

Agreeably [sic] to your request I called this morning on Mr. Randolph for the purpose of delivering your note;¹ previous to presenting it, however, I thought it proper to ascertain from him whether the information you had received, that he considered himself personally [sic] accountable for any attack on you was correct.—I accordingly informed him that I was the bearer of a message from you in consequence of an attack which you had understood he had made on your private as well as public character in the Senate, that I was aware of the fact that he could not be made accountable elsewhere for any thing said in debate unless he chose himself to waive his privilege as a member of that body.—Mr. Randolph replied, that the Constitution did protect him, but he would never shield himself under such a subterfuge as the pleading of his privilege as a Senator from Virginia, that he did hold himself accountable to Mr. Clay, but considered that he (Mr Clay) had first two pledges to redeem—One, that he was bound to fight any member of the House of Representatives who had acknowledged himself the author of a certain publication in a Philadelphia paper;² the other, that he stood pledged to establish certain facts in regard to "a great man"³ whom he would not name.—He added, however, that he could receive no message from Mr. Clay which was not in writing— I replied, that the only message I had was in writing, that I had not been authorised by you to enter into, or receive, any verbal explanations, but that I had done so on my own responsibility because I thought it proper to do so.—I then presented him the note, which he read, and then informed me, that he would send by a friend a written answer to it.⁴—

From John Randolph

Kervand's¹ Saturday april 1st. 1826

Mr. Randolph accepts the challenge of Mr. Clay;² at the same time that he protests against the right of any minister of the Executive Government of the U. S. to hold him responsible for words

¹ Above, Clay to Randolph, March 31, 1826.
² See above, Clay to Gales and Seaton, January 30, 1825, enclosure.
³ See above, III, 323; IV, 159-61.
⁴ See below, Randolph to Clay, this date.
spoken in debate as a Senator of Virginia; in crimination of such minister; or of the administration under which he shall have taken office.

Col. Tattnall of Georgia the bearer of this letter is authorised to arrange with General Jessup the bearer of Mr Clay's challenge, the terms of the meeting to which Mr Randolph is invited by that note. 4

AN. DLC-HC (DNA, M212, R3). Addressed to Clay. 1 Not identified.
2 See above, Clay to Randolph, March 31, 1826; Jesup to Clay, April 1, 1826.
3 Edward F. Tattnall.
4 In a note of April 2 Jesup informed Tattnall: "it is due to Mr. Clay to say that he had been informed Mr. Randolph did, and would, hold himself responsible to him for any observations he might make in relation to him; and that I distinctly understood from Mr. Randolph, before I delivered the note of Mr. Clay, that he waived his privilege as a Senator." To this statement Tattnall replied on April 3, agreeing to arrange the terms of meeting but disavowing that Randolph, "when expressing a readiness to waive his privilege, as a Senator from Virginia, [sought] to invite, in any case, a call upon him for personal satisfaction." Later, on April 3, Jesup wrote: "The injury of which Mr. Clay complains consists in this, that Mr. Randolph has charged him with having forged or manufactured a paper connected with the Panama Mission [the Salazar letter, above, November 2, 1825]; also that he has applied to him in debate the epithet of blacklegs." Jesup requested that Randolph retract these statements; Tattnall for the latter, on the same date, reiterated the charges and expressed unwillingness "to afford any explanations as to their meaning or application." Notes of April 4, 5, and 7 set the details of the meeting, which occurred on April 8 across from Georgetown, on the Virginia side of the Potomac River. In the first exchange of shots, neither principal was hit. During the second round, Clay again missed his mark, the shot passing through Randolph's flowing coat, without injury to him. Randolph then discharged his pistol upward and explained that he was not firing at Clay. The two shook hands, and the encounter was terminated. The relevant correspondence, copies of the Jesup notes and originals of Tattnall's, is located in DLC-HC (DNA, M212, R9).

INSTRUCTIONS AND DISPATCHES April 1, 1826

To Joel R. Poinsett, no. 12. Requests duplicates of his "Letters, numbered from 14 to 17 [three letters dated August 17 and one on August 21, 1825], inclusively, ... the originals whereof have been accidentally mislaid at this office." Notes that his "Despatches to No. 35 have been received." Copy. DNA, RG59, Dip. Instr., vol. 11 (M77, R6). Copy, in DLC-HC (DNA, M212, R7).


APPLICATIONS, RECOMMENDATIONS April 2, 1826

[John] J. Crittenden, Frankfort (Kentucky), notes that, if Kentucky should be divided into two Federal judicial districts, a second United States marshal will be needed; recommends John H. Morton for appointment to that office. ALS. DNA, RG59, A. and R. (MR3). Cf. above, III, 551n; Mercer to Clay, March 6, 1826, note.
RICHARD HIGGINS, Lexington (Kentucky), recommends (as above, Crittenden to Clay, this date) the appointment of Morton. ALS. DNA, RG59, A. and R. (MR3).

To [John Quincy Adams]

[April 3, 1826]

[In answer to a resolution of the House of Representatives of March 30,1 requesting transmittal to the House of copies of (Henry) Middleton's letter of July 2 (1825), to Count Nesselrode,2 and instructions from the Department of State to the United States Ministers to Buenos Aires, Chile, and Mexico, relative "to a proposed or contemplated Congress of the Spanish American States," transmits Middleton's letter and extracts from the dispatches to (Caesar A.) Rodney, May 17, 1823, and the United States Minister to Mexico (Joel R. Poinsett), September 24, 1825. States that no instructions on the subject have been given to the United States Minister to Chile. Notes that he is enclosing the dispatch of December 9 (1825) to Poinsett, which had been overlooked when the report of March 29 was made, and that Poinsett has been asked to supply a duplicate of the dispatch referred to by him in his dispatch of August 21, 1825.3]


2 See above, Middleton to Clay, September 8, 1825.
3 See above, Clay to Adams, March 29, 1826; Clay to Poinsett, April 1, 1826.

To [William L. Brent]

My dear Sir

3 Ap[. 1826.

I return the letter of Mrs. Digges which I have perused with the strong feelings of concern and sympathy which it is so well calculated to excite. It would afford me great pleasure if I had power to alleviate her distresses. But I really have not had the appointment to one such office as Mr. D. wans [sic] since I have entered the Dept. of State, nor do I know when I shall. You see me therefore in the possession of dispositions without ability.

Yr's faithfy

H Clay

ALS. DNA, RG59, A. and R. (MR2). Cf. below, Digges to Clay, August 2, 1827. The Digges' have not been further identified.

INSTRUCTIONS AND DISPATCHES

April 3, 1826

To WILLIAM R. HIGINBOTHAM, "Commercial Agent U. S. Bermuda." Notes that his average annual expenditure of $1626.10 for the relief and protection of American seamen at Bermuda is far greater than that at other ports, where there
is more American shipping; refuses further to honor his drafts until he offers satisfactory explanations; and refers to his failure to submit the annual reports required of all consuls and commercial agents. Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 385-86 (M78, R2).

MISCELLANEOUS LETTERS

April 3, 1826

From GEORGE WARREN CROSS, Charleston, South Carolina. Refers to his letter of March 28, 1825, and to Clay's reply, dated April 5, 1825; asks whether "the contemplated instructions relative to that claim have been given." ALS. DNA, RG76, Misc. Claims, Buenos Aires.

From J[OSEPH] E[MERSON] WORCESTER, Cambridge, Massachusetts. Sends "copy of a communication of the American Academy of Arts and Sciences" in which he has made "a few remarks on the mode of taking the Census of the United States." Hopes Clay will lend his influence "in favour of a new and improved mode when the census shall again be taken." ALS. DNA, RG59, Misc. Letters (M179, R64). Worcester, graduated from Phillips Academy and Yale, had taught school at Salem, Massachusetts, before settling in 1819 at Cambridge, where he published numerous gazetteers, dictionaries, geographies, and histories. He had most recently brought out Sketches of the Earth and Its Inhabitants (1823) and Elements of History, Ancient and Modern (1826). From 1831 to 1842 he was editor of The American Almanac and Repository of Useful Knowledge. The American Academy of Arts and Sciences had been founded at Boston in 1780.

APPLICATIONS, RECOMMENDATIONS

April 3, 1826

JOHN BRAND, Lexington, recommends, in the event that a second judicial district is created for Kentucky, that John H. Morton be appointed United States marshal. ALS. DNA, RG59, A. and R. (MR3). Cf. above, III, 551n; Mercer to Clay, March 6, 1826, note.

D[ANIEL] P. COOK, Washington, recommends a "Mr. Sanford" for "some situation under the government that will support his family." ALS. DNA, RG59, A. and R. (MR3). Sanford, not identified, received no appointment.

C[LEMENT] DORSEY recommends John Alexander Adams for a clerkship. LS. Ibid. (MR1). Adams, not further identified, received no appointment.

WILLIAM H. WILSON solicits appointment to any office that "he may be qualified to fill." AL. Ibid. Wilson, not further identified, received no appointment.

INSTRUCTIONS AND DISPATCHES

April 4, 1826

From HEMAN ALLEN, Valparaiso, no. 30. Transmits a copy of the request from Peru to Chile to send representatives to the Panama Congress; notes that it will be considered by the next Chilean Congress, in June; expresses alarm at the invitation (mentioned in the document) "to England to become an ally in an American confederation"; deplors "The preponderating influence of England" in Latin America; and warns that "these people are still like children in their leading strings;— . . . that there is a total want of character amongst them;—
that even their *nominal* liberties, are still held by a very feeble tenure, and that they would very easily fall a prey, to the snares of some artful foreign power."  
ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received June 30. Published in Manning (arr.), *Diplomatic Correspondence . . . Latin-American Nations*, II, 1112.

**APPLICATIONS, RECOMMENDATIONS**  
April 4, 1826


Spencer [D.] Pettis, St. Louis, recommends the appointment of James H. Peck (as petitioned by the latter, above, this date). ALS. DNA, RG59, A. and R. (MR1). Pettis, a lawyer, was secretary of state of Missouri (1826-1828) and a Representative in Congress (from 1829 until killed in a duel in 1831).

**DIPLOMATIC NOTES**  
April 5, 1826

From Peter Pedersen, Philadelphia. States that he has received instructions from his government that will enable him to discuss matters that he had not previously been "authorised to decide upon" and that he will come to Washington to resume the negotiation. ALS. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).

From Joaquim Barrozo Pereira, Philadelphia. Returns certain exequatur recently received from Clay, which "he cannot acquiesce to receive . . . with the omission of the Title of Emperor assumed and taken by His Majesty" and requests that "the Title of His Most Faithful Majesty as Emperor of Brazil and King of Portugal and Algarves [be] expressly inserted and mentioned therein." ALS. DNA, RG59, Notes from Portuguese Legation, vol. 2 (M57, R2). Endorsed by Clay: "To be submitted to the President."

**INSTRUCTIONS AND DISPATCHES**  
April 5, 1826

From Alexander H. Everett, Madrid, no. 29. Reports lack of progress "in the great affair of the recognition of the New American States"; notes that the fall of San Juan de Ulloa (see above, Poinsett to Clay, November 23, 1825), and the threats to Cuba and Puerto Rico (see above, Clay to Middleton, May 10, 1825) roused the Spanish "Government for the moment from their usual apathy" but that the reinforcements to Havana (see above, Burton to Clay, February 6, 1826), the return of a convoy from that port, and the capture of a few prizes in the Gulf of Mexico "seem to have really revived their spirits" and occasioned recovery "from their first alarm"; adds that "They also appear to derive considerable hope and comfort from the war between Buenos Ayres and Brazil [see above, Raguet to Clay, December 23, 1825], although all the success has hitherto been on the side of the former." Observes that, since the Russian Minister (Pierre d'Oubril) attaches great importance to the conflict, it would not be surprising "to learn hereafter that this war has been the result of the instigation of the Holy Alliance and that it is intended as a first and introductory step towards a renewal of hostilities by Spain upon the American
Continent." Summarizes his conversations (regarding the possibility of recognition by Spain of her former colonies) with the British Minister (Frederick James Lamb), who "has relapsed into his former inactivity, and ... considers the affair for the present at least as entirely desperate," and with the French Ambassador (the Marquis de Moustier), who, as is the case with his government, has not "yet taken a correct view of the situation of America or of the prospects and policy of Spain," who, admitting the impossibility of recovery of the colonies by Spain, "affected to suppose that a proposition to place the Bourbon Princes at the Head of the governments of the New States would still be received with great favor," and who gave the impression "that the influence of France will not be exerted here in such a way as to produce any effect." States that he (Everett) has again, without result, pressed the Duke del Infantado "upon the subject of the indemnities and the Commercial Convention" and, "verbal representations" having failed, proposes "in the next place to try the effect of writing." Notes that (John Adams) Smith, Secretary of Legation, has arrived and "entered on the duties of his office. ..." LS. DNA, RG59, Dip. Disp., Spain, vol. 25 (M31, R27). Received June 14. Extract published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, III, 2114-18.

APPLICATIONS, RECOMMENDATIONS

April 5, 1826

NATHANIEL H. CLAIBORNE, Washington, requests that "the name of T[homas] B. Grantland—proprietor & publisher of the [Tuscaloosa] Alabama Sentinel," be included "among the applicants for the publication of the laws. ..." ALS. DNA, RG59, P. and D. of L. Addressed to the Secretary of State. Grantland, who had been an editor at Huntsville, Alabama, as early as 1817, had founded the Alabama Sentinel in December, 1825. He received contracts for publishing the Federal laws as well as for the State printing in 1827.

Check to Thomas Metcalfe

Pay to Genl. Thomas Metcalfe or order the sum of one hundred and fifteen dollars.

Cashr. of the Off. of Dt. & Dt. Washington1

ADS. DLC-TJC (M212, R16).

From George Baxter

Dear Sir.

Lexington 6th. April 1826

[Notes that cotton shipments for foreign and domestic consumption of the crop of 1824 amounted to "a Totall of One Million of Bales, each of those Bales require Eight yards of Baging [sic] and about Eight pound of Bale rope, the Baging from Scotland, (Dundee & Inverness) has Cost the Cotton Planter on an avarage [sic] for the last 20 Years from 37½ to 50 Cents pr yard, that yard
APRIL 6, 1826

wighing [sic] one & one quarter pound, the Bale rope has Cost upward of Twelve & a half Cents a pound. . ."

we will Manufactor [sic] Cotton Baging1 better than the Sample herewith Sent, which our first peice [sic], and offer it for Sale at Twelve & a Half Cents a pound, Shiped free on board on Navigable water, or into a waggon [sic], little more than one third of the avarage price the Planter has hitherto paid, our Baging will not be less than Two pound [sic] pr yard & of any width most approved of By the Planter, from 42 inches, the general width now used, to 48 inch if they Prefer it, our Bale rope we shall offer at the same, 12½ Cents a pound, made of the best Long Hackled Hemp, the Scotch Baging (Dundee where I was born & raised 'till I was 35 Years of age) is so light & weak that it goes to Europe in Rags. it is unable to cover & preserve the Cotton from Sand, Mud, Tar, chips & every Kind of dirt, & the rags of this bag & rope, that is left is offered to the Paper Maker at One Half penny pr pound & if the whole rags go then the rope also, they will not bring more than nine pd. Sterling pr Bale, incuring [sic] a loss to the spiner [sic] & planter of three Dollars 83½ Cents pr Bale!

our Baging is made of the best of Hemp, the Chain & filling (warp & woof) equal in Size number of Threads & Quallity [sic] & will Keep Cotton safe & Clean (except it is cut with edged Tools) to be Carried to any part of the World. our ropes will be made of the Longest & the best of the Hemp only one Strand, three or four times as Strong as the Bale (Tow) rope now used, when the Bale of Cotton arrives [sic] at the Spining Mill the Spiner has only to untie or Cut the Rope, untwist it & it is good Hackled Hamp [sic] which will Sell for as much, or nearly so, perhaps more, than the Planter paid for it, our Baging can be used after going to Europe, to Pack dry goods to reship to America & may be sent to Europe a Second time with Cotton. our Bale rope is the best & cheapest for Cotton Bales, it is made in the same way the Rusians make ropes to bale up their Hemp & flax the Purchesor [sic] is not im­ posed upon, the only difference is the Hemp & flax in the ropes are Twisted & when untied & untwisted is the same as the Hemp & flax it bound up. be pleased to Show this letter & the Sample of Baging herewith Sent to the Gentlemen Concerned in the Cotton Business I have also sent a Sample to the [H]onbe John Rowan of the Senate

I am very Respectfully Dear Sir Your Obt Servent [sic]

JOHN GEO. BAXTER

The Honbe. Henry Clay Secretary of State Washington

DNA, RG59, Misc. Letters (M179, R64).
1 See above, Agreement, October 24, 1825.
To H[ouse of Representat]ives. Transmits, in response to a House resolution of April 5, "copies of the depositions of Gilbert C. Russell and Francis W. Armstrong, relative to the origin of the Title of the Claimants, and the disposal of the Cargoes of the Slave Ships, Constitution, Louisa and Marino... together with the Copy of a letter from Marshal Armstrong to this Department [above, March 29, 1826] enclosing the originals of the above-mentioned Depositions." Copy. DNA, RG59, Report Books, vol. 4, p. 157. Published, with the enclosed papers, in House Docs., 19 Cong., 1 Sess., no. 152 (Washington, 1826). For the resolution, see U. S. H. of Reps., Journal, 19 Cong., 1 Sess., 414, 417. See above, Lewis to Clay, September 29, 1825, note; Clay to Adams, March 7, 1826; Clay to House of Representatives, March 8, 1826; Mercer to Clay, March 18, 1826, note.

Armstrong's deposition, written at Washington, March 22, 1826, states that in May or June, 1825, Richard J. Easter had related to him a conversation in which William H. Robertson, a citizen of Mobile, had acknowledged that on the night the Constitution was seized off Pensacola he had forged "the name of De Frias, of Havana," to a letter or letters consigning the slaves to residents of Florida and directed that the paper or papers be delivered to the consignees so that they might claim the property on behalf of De Frias, when in fact the slaves belonged to residents of Louisiana and to Robertson. Armstrong's deposition further notes that Robertson, having been informed of Easter's statement, had complained that it represented a violation of the confidence of a client in his lawyer but had not denied the truth of the account. Russell's deposition, also written in Washington on March 22, testifies that Armstrong had showed him the Easter deposition in Mobile in June, 1825, and that he (Russell) had overheard Robertson subsequently complain that Easter "had betrayed confidence, in disclosing what he had told him, but that he did not care." House Docs., 19 Cong., 1 Sess., no. 152, p. 6. On May 22, the concluding day of the Session, the House of Representatives adopted a resolution, upon motion of Charles F. Mercer, which discharged the Committee on Suppression of the Slave Trade "from the further consideration of the several documents referred to them, in relation to the slave vessels Mariano [sic], Louisa, and Constitution" and referred the data collected to the attention of the President. Mercer explained that he had been assured that if the Treasury Department were apprised of the facts disclosed, "the remaining moiety of the money which yet remained unpaid in the Treasury, would be retained there, and saved to the United States." Register of Debates, 19 Cong., 1 Sess., p. 2690.

A letter from the Secretary of the Treasury (Richard Rush), written in response to a House Resolution of April 4, calling for "the proceedings of the Judge of the Superior Court of West Florida [Henry M. Brackenridge], acting as Commissioner under the ninth article of the treaty of 22d February, 1819, as relates to the rights of certain persons therein named to the cargoes of the slave vessels, Constitution, Louisa, and Marino," and a statement of the sums "paid to the said claimants respectively," indicated that no payments had yet been made to persons claiming in the name of De Frias, though Brackenridge had issued an order awarding $53,300, at the rate of $650 each, for the slaves taken off the Constitution. House Docs., 19 Cong., 1 Sess., no. 163, p. 5.

Robertson has not been further identified. Antonio de Frias, a Spanish subject, was a merchant of Havana.

To EDGAR MACON. Announces that the President has concluded that Macon should be replaced as United States attorney for East Florida; offers him the
April 7, 1826

alternatives of removal or resignation. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 300 (M40, R19). Published in Carter (ed.), Territorial Papers, XXIII, 504. See above, Macon to Clay, October 18, December 24, 1825; March 18, 1826; White to Clay, March 18, 1826; and below, Macon to Clay, April 25, July 7, 1826.

From E[lisha] Harrison, Evansville, Indiana. Encloses "the a/c of Harrison & Monroe for publishing Laws &c of the Second Session 18th. Congress"; explains the connection, with his "printing establishment," of (William) Monroe and (Thomas) Evans, both of whom have left the country; and requests payment. ALS. DNA, RG59, Dom. Letters, vol. 21, p. 300 (M40, R19). Published in Carter (ed.), Territorial Papers, XXIII, 504. See above, Macon to Clay, October 18, December 24, 1825; March 18, 1826; White to Clay, March 18, 1826; and below, Macon to Clay, April 25, July 7, 1826.

From S[amuel] D. Heap, Philadelphia. States that he expects to embark for Marseilles, on his way to Tunis, within a few days; requests his instructions, a letter of credit, and an advance of $1,000. ALS. DNA, RG59, Cons. Disp., Tunis, vol. 5 (M-T303, R5).

From Nathan Levy, Baltimore. Acknowledges receipt of Clay's letter of March 19 (i.e., 29), 1826, with enclosures; reports that he was "this moment put in possession of the papers respecting Mr. [Christopher] Hughes Mission at Copenhagen in behalf of the Consulate of St. Thomas" and that he expects to sail from New York for St. Thomas before April 20. ALS. Ibid., St. Thomas, vol. 2 (M-T350, R2). See above, Hughes to Clay, August 19, 1825, note.

From Peter Little, Washington. Encloses a letter from (Seth) Sweetser (Jr.); asks Clay to "enable" him to answer it; and requests its return. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by clerk on verso: "Respecting the Consul's Commission for Quilca and Arica."

Applications, Recommendations

April 6, 1826

Thomas Bodley, Lexington (Kentucky), recommends the appointment of John H. Morton as United States marshal, should Kentucky be divided into two judicial districts. ALS. DNA, RG59, A. and R. (MR3). Cf. above, Mercer to Clay, March 6, 1826, note.

From Charles Hammond

My Dear Sir. Cincinnati. April 7, 1826.

There is an old proverb, I believe [sic] it it [sic] not a Spanish one, that he who lies down with dogs, must get up with fleas. This may be applied in two ways to the circumstances that occasion this letter— He who meddles with types and lampblack must expect to be soil d-- He who gets associated with an emmanent [sic] man must expect a share of the dirt that is cast at him— In relation to we two. let me play grecian, in english, it may be a nice question whether you may thank me for the bespattering you received in the Telegraph or whether I may attribute to you what I received— Either way it is a matter of indifference— For myself I am amused at the article. When I aim a blow I like to be assured that it was felt—and I think the Telegraph of the 27. March contains proof
positive, that my history of conjectures and grouping together of
certain actors has pinched some of the parties not a little— The
whole catalogue of my political sins are summed up and cast at
me in one bolt—and the clymax capped by constituting me your
father confessor in matters of conscience1— This is a high office,
to the faithful discharge of which it is ne[c]essary I should be made
acquainted with that which may oppress you at the present— Yet I
am without your confessions for many months! But a truce with this
bagatelle—

I have been very much surprised at the course of the Senate in
regard to the Panama mission— Is it possible that minds like those
of Tazewell White & Hayne,2 are really deceived by the misconcep­
tions of facts, and sophisms in argument to which they resort?—
Is excitement such a blind deceiver? The report of the Committee,
and the speeches of Hayne and White appear to me most monstrous
perversions of fair discussion and right reason— Certainly the
gentlemen resemble the Witch of Endor in their incantations— She
conjured up Samuel, we may justly infer, very much to her own
surprise.3 The spirit they have raised in their own imaginations,
for it is nowhere else, mu[st]4 have come unexpectedly upon them—
While they have got themselves in the midst of a Whirlpool, Scylla
on one side Charybdis on the other, and seem disposed to scream
with terror, the country is perfectly calm— No alarm is expressed—
none is felt—no mischief or danger is apprehended— The tocksin
is sounded in vain—

The gentlemen who have conjured up the alarm are much mis­
taken about some very important facts— They have touched the
question of Slavery with great indiscretion.5 The South is scarcely
more sensitive on this than the East and North West— The politi­
cians of the last named countries scarcely dare associate themselves
with those who denounce all efforts to abolish slavery as fanatical,
and wicked— Men of sense in the South are not to be alarmed,
because they understand the matter—ignoran[ce] elsewhere may be
easily influenced because it does not understand—& because it is in
some fanatical, and in others envious and malignant—

The state of Cuba and Porto Rico, is an other matter very inju­
diciously mooted6— It is only by men of information and reflection
that the difficulties connected with introducing new governments
into these Islands can be understood— Throughout the west
generally a revolution is earnestly wished— And if the attempt to
revolutionize be made, it will be seconded by an almost unanimous
voice, without regard to consequences— The people of the United
States generally have a strong feeling in favour of seeing all the
colonial influence of European governments, over countries in our
neighbourhood broken up— It is useless to reason to them about
April 7, 1826

it— The few may be convinced, the many will indulge [sic] their prepossessions [sic]— I would desire no better theme than these two subjects afford to run down any men who opposed me— Systematically to combat the sophisms of opposition is to insure defeat. Victory is to be obtained by pushing the war against them, and selecting arrows from their own quivers to hurl back at them. This is the course I shall pursue— I send you the country Gazettes of this week in which you may see a specimen of the mode of warfare I propose— I shall touch upon Cuba & Port [sic] Rico next week, taking my text from Mr Whites Speech— I shall also deliver my dogma—ultima ratio, as to rights and duties on the domestic question. You must not be too anxious on this matter. I shall write for the non slave holding states— But I shall so write as not to give just cause of offence to any—but the Haynites and Randolphites— I think that on this subject you will regard me as orthodox—

The most virulent Jacksonians here are pleased with opposition, and give colour to objections against the Panama mission: But they are careful not to touch, much less probe the subject— The report and speeches against it will not be published or even circulated— They will never identify themselves with opposition in this particular— And I cannot but think more good than evil may yet result from the embarrassments thrown in the way of the Executive. I am in great hopes that the friends of the measure, in the house, will not engage in a protracted debate upon it—one or two able speeches in support of it is all that should be attempted—Let the opposers rail without reply—

I am entirely content that the new Judicial bill should be lost— When Ohio and Kentucky again propose to give Supreme Judges to the contiguous states they may be better disposed to receive them without cavil— Todds successor should be appointed without delay— I cannot agree to McLean— Will be content with Trimble— In one thing I am decided— No attempt should be made to conciliate certain gentlemen— They will think they have bullied you, and bluster again— On the contrary take boldly the man most obnoxious to them. Let them know you do not fear and will not court them— This is the only safe course— Temporising and timidity is not your character— It never was mine— It ought never to be the character of an administration. Sufficient efforts have been made by Mr Adams, and it has not strengthened him— Qualifications should always be sought. where these are equal I would select so as to have no enemy or spy in my camp—

Must these vexatious politics exclude all other relations? I found my family well as usual on my return. Mrs Hammond tho very feeble, is still free from pain or suffering— This day our
friend Mr Este lost his wife. She was a most valuable woman—daughter of Gen. Harrison— I hope Mrs. Clay is in comfortable health. She must think of me as one of her friends—for my slight acquaintance with her, when in the City, frequently recurs to my mind associated with very agreeable recollections

I am D Sir Sincerely Yours

C HAMMOND

ALS. InU.

A full page editorial attack on Clay, entitled “BARGAIN, MANAGEMENT, AND INTRIGUE,” published in the Washington United States Telegraph, March 27, 1826, referred to Clay’s resignation from the speakership (above, II, 895) and from “his duty as a representative of the people, to become the hired advocate of the” Bank of the United States. The account continued: “It was there that he met with Charles Hammond, Esq. the Ohio Federalist . . . who denounced Mr. J. Q. Adams as an ‘apostate,’ and Mr. Clay as a ‘ranting demagogue,’ who was the author of the celebrated Ohio Report on the proceedings of the Bank. But who, for reasons well understood no doubt, about that time ceased his hostility to the Bank and to Mr. Clay, and from a systematic abuser became a leader of Clayites—a kind of father confessor for Mr. Clay’s conscience—and who, as we have many reasons to believe, has lately been in this city, employed under the superintendence of the Secretary of State in the manufacture of false conjectures—which, folded up in the shape of flying missiles, are now passing through the country under the name of letters from a Washington Correspondent, one of which has appeared in a Cincinnati Gazette of the 7th inst.” The United States Telegraph, successor to the Washington City Gazette, had begun publication February 6, 1826, under the direction of John S. Meehan, a native of New York, who had engaged in publication of Baptist journals in Philadelphia and Washington before his acquisition of the Gazette. Meehan retained title to the newspaper only until October 17, 1826, when Duff Green became sole editor and publisher. On the latter’s earlier association with the Telegraph, probably as editor, cf. below, Clay to Everett, June 9, 1826.

On Littleton W. Tazewell’s opposition to the mission, see above, King to Clay, March 21, 1826, note. For the views expressed by Robert Y. Hayne and Hugh L. White, see Register of Debates, 19 Cong., I Sess., 152-75, 198-218.

Referring to the subject of slavery as “entirely . . . a DOMESTIC QUESTION,” Hayne had argued that the United States, having been “the first to set its face against the Slave Trade,” might “well call upon other nations ‘to go and do likewise,’ before they can be permitted to taunt us on this subject. . . . ” The Government, he asserted, “had argued, further, that the slave-holding states must take their stand ‘that they will not permit it to be brought into question either by their sister States, or by the Federal Government.’ The issue, he maintained, compelled the United States to withhold recognition of the independence of Haiti, which the revolutionary governments to the south viewed “with feelings of the strongest confraternity, and show[ed] . . . that they acknowledge[d] her to be independent. . . . ” The slave trade and the independence of Haiti, Hayne concluded, were subjects upon which the United States must “not go into council.” Register of Debates, 19 Cong., I Sess., 165-66.

With respect to the threat of Latin American intervention in Cuba and Puerto Rico, Hayne argued that the administration had disclaimed “the utime ratio” and surrendered “the point in dispute,” requesting merely a delay in sailing of the expedition, “only until the effect of our interposition with Russia shall be ascertained—of the total failure of which we are now officially informed.” Ibid., p. 169. White had expressed views similar to those of Hayne on the topics of slavery, Haitian independence, and the role of the United States in forestalling a Latin American attack upon Cuba and Puerto Rico. On the last point White had argued, further, that the new states planned “to produce a rebellion in these Islands; to induce them to declare their independence;” with the proposed Congress designed “to settle the relations which ‘Hayti,’ and others, in the like condition, shall bear to us, and to the new States,” Ibid., p. 215.

Cincinnati Liberty Hall and Cincinnati Gazette.

See above, Hammond to Clay, January 4, 1826, note.

Thomas Todd.

John McLean; Robert Trimble. See below, Clay to Hammond, April 19, 1826.

William Henry Smith, Charles Hammond . . ., 45, quotes an undated letter (not
found) from Hammond to Clay, as follows: "I shall consider the appointment of McLean as an indiscretion, evincing such incorrect views, or such incapacity of judgment as makes it clear that the administration can not sustain itself. No administration ever did, no one ever can succeed, that proceeds upon the ground of conciliating open or covert hostility. Such conduct is the result of fear, of a total want of confidence in themselves and their supporters; it necessarily intimidates friends, as it certainly stimulates and encourages opposition."

12 Sarah Tillinghast and Hammond had been married at Wellsburg, Virginia (now West Virginia), in 1803. After an illness of several years, she died July 31, 1826.

13 Lucy Singleton Harrison Este, wife of David K. Este and daughter of William Henry Harrison.

DIPLOMATIC NOTES

April 7, 1826

From the BARON F[rancois] de MALTITZ, Washington. Encloses "un supplément extraordinaire de la gazette de St Petersburg du 10/22 Janvier dernier" containing details of an attempted revolt following discovery of the conspiracy connected with the events of December (see above, Middleton to Clay, January 2, 1826). Requests Clay to give the necessary orders to have the extract published "dans les Journeaux de cette Capitale." ALS, in French, with translation in State Department file. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated "le 26 Mars/7 Avril 1826."


INSTRUCTIONS AND DISPATCHES

April 7, 1826


From JOHN MULLOWNY, Tangier, no. 44. Reports disease and famine, attributed to "a total failure of all crops, by the late droughts," and heavy mortality among the people, many of whom have come to town from the interior. Notes that only two vessels from the United States "have been in this Empire . . . in the last year": "the Ship Thalia of Philada. put in here windbound in April '25, and the US. Ship North Carolina, Commodore Rogers [John Rodgers], in June last." ALS. DNA, RG59, Cons. Disp., Tangier, vol. 4 (M-T61, R4). Received June 5.

APPLICATIONS, RECOMMENDATIONS

April 7, 1826

CHARLES DOUGLAS, Tussecumbia (Alabama), again seeks appointment to a position in Latin America. Notes the opposition in the Senate to the Panama mission and adds: "opposition from this quarter has been strong but I do sincerely believe that the general opinion here is favorable to the mission and that the conduct of some of our representatives will not meet the approbation of the people." ALS. DNA, RG59, A. and R. (MR2). Cf. above, King to Clay, June 22, 1825, note; Douglas to Clay, June 30, 1825.
SECRETARY OF STATE

Check to Charles [Dupuy] 8h. Apr 1826

Pay to Charles or bearer One hundred dollars.
Cashr. of the Off. of Dt. & Dt. Washington

H CLAY

ADS. DLC-TJC (DNA, M212, R16).

From W. Hyslop

Kingston 1 8 Apr 1826.

Mr Hyslop had the Honor to be introduced to Mr Clay by Major Lenox at Phila so long ago as the year 1807.

Mr H takes leave to assure Mr Clay that he has been a steady admirer of the public Character of Mr Clay since the honor of the Majors Introduction

AN. DNA, RG59, Misc. Letters (M179, R64). Enclosed with Hyslop to Clay, same date. Hyslop was probably the brother of Maxwell Hyslop.

1 Jamaica.

2 David Lenox, a veteran of the Revolution, Federal marshal in Pennsylvania (appointed in 1793), agent of the United States in Great Britain “pursuant to the act for the relief and protection of American seamen” (appointed in 1797), a director, and from 1807 to 1811 president, of the (first) Bank of the United States, and subsequently president of the Philadelphia Bank.

INSTRUCTIONS AND DISPATCHES April 8, 1826

From Leonard Corning, Maranham. Reports that he has appointed Charles B. Allen, of Massachusetts, his consular agent for Pará; states that he has recommended that Allen apply for appointment as consul there, “a place fast growing in importance,” where “the American trade [is] allready [sic] considerable” and where vessels have been sold and crews discharged in violation of United States law. ALS. DNA, RG59, Cons. Disp., Maranham, vol. 1 (M-T398, 91). Received May 13. Allen was named consul at Pará in February, 1827, and succeeded Corning at Maranham from 1830 to 1846.

From Joel R. Poinsett, Mexico, no. 41. Reports “the appointment of Don Sebastian Camacho, the present Secretary of State, to be Plenipotentiary in London”; cites the British Chargé (Henry George Ward) as saying “that none other but a Minister of State would be received, and, that by refusing to ratify the nomination of Camacho, the Senate would occasion a rupture between the two powers—conduct, which could only be imputed to the secret influence of those who sought to divide the old world from the new, in order that they might govern the latter—meaning, of course, the United States”; asserts that English hints of ambitions of the United States “would be disregarded, if they were not corroborated by statements made by the Agents of Mexico in the United States,” of whom “the most mischievous is a person by the name of Cortes”; states that this person’s “last intelligence is” that General (Francisco Dionisio) Vives “is inclined to deliver . . . Cuba up to the United States” and that Poinsett is “a party to this political intrigue”; adds that he has been told that (Pablo) Obregón is to be recalled, that he has been asked to suggest a successor, and that he “refused to do so.” LS. DNA, RG59, Dip. Disp., Mexico,
MISCELLANEOUS LETTERS

April 8, 1826

From W. Hyslop, Kingston, Jamaica. Notes the fall of Callao, the expectation that (Simón) Bolívar will arrive in Lima to open the Congress, and the selection of (Francisco de Paula) Santander as Vice President (of Colombia); adds: "The Colombian Govt have conceded [sic] a privilege to connect by Railway or Canal the Pacific with the Atlantic Oceans on the Isthmus of Darien, the Patent in my name." ALS. DNA, RG59, Misc. Letters (M179, R64). Hyslop signs as "Com: Agent Rep of Colombia." Santander, born in Rosario de Cúcuta, had joined the independence movement at Cartagena in 1810, had risen in military service with Bolívar's forces to the rank of brigadier general in 1818 and general of division in 1819, and had been elected Vice President of the Republic of Colombia in 1821. He was re-elected to that office in 1826 and, in Bolívar's absence from the country during most of this period, served as head of state. Following the Liberator's return to Colombia in 1827, Santander opposed his dominance. Accused of complicity in an attempt to murder Bolívar, Santander was condemned to death in November, 1828, a sentence which was commuted to banishment. While in exile, in 1832, he was elected President and returned to hold that office until 1837. From 1837 until his death in 1840, he served in the Colombian Congress.

From Edgar Macon, Washington. Refers to "the record of a proceeding" against him at the November, 1825, Term of the Superior Court of East Florida, requiring him to show cause why he should not be disbarred; asserts that Judge (Joseph L.) Smith, who had preferred the charges, presided at the hearing; begs "the privilege of urging a further defence, as the question now stands whether" he is to be dismissed from office "from any thing that is alleged or proved by the record"; presents a lengthy vindication of his conduct; alleges that Judge Smith has long been antagonistic toward him; and encloses testimonials and other documents in his behalf. ALS. Ibid. Published in Carter (ed.), Territorial Papers, XXIII, 506-12. Cf. above, Clay to Macon, April 6, 1826.

APPLICATIONS, RECOMMENDATIONS

Alexander W. Jones, Hampton (Virginia), solicits appointment to a "clerkship in one of the public offices in Washington." Encloses copies of letters of recommendation by Samuel Colton, John Robertson, and John Tyler. ALS. DNA, RG59, A. and R. (MR2). Cf. above, Pleasants to Clay, March 13, 1826, note. Robertson, born near Petersburg and graduated from William and Mary College, had practiced law at Richmond prior to his current appointment as attorney general of Virginia. He later served as a member of Congress from 1834 to 1839 and as judge of the circuit court of chancery for Henrico County.

James W. Shaumburgh, New Orleans, solicits Clay's "assistance for obtaining admission as a cadet at the military Academy at West Point"; notes that he is nineteen years old and the son of "a Soldier of the Old War" (possibly
Bartholomew Shaumburgh). ALS. DNA, RG94, Military Academy, Cadet Applications, 1826-54 (M688, R41). Endorsed by Clay on cover: "Mr. James W. Shamburgh [sic]. Submitted to the Secy of War H. C." Young Shaumburgh (or Schamburgh) was rejected for admission to the Military Academy but in 1829 won a commission as second lieutenant in the Marine Corps. Cashiered from this service in October, 1832, he was appointed a second lieutenant of Mounted Rangers six months later, was promoted to first lieutenant in March, 1836, and resigned at the latter rank in the following July. He subsequently re-entered military service for brief periods from 1844 to 1845 and from 1861 to 1862.

DIPLOMATIC NOTES April 9, 1826

From the BARON DE MAREUIL, Washington. Gives an account of the rescue, by a French brig, of Captain Andrew Scott and the crew of the American vessel Chilian, New York, off Marseilles in September, 1825. LS, in French, with translation in State Department file. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7). Dated "9 Mars 1826"; received April 10; translation dated "9 March {April} 1826." Scott, not further identified.

INSTRUCTIONS AND DISPATCHES April 9, 1826

From R[ichard] C. ANDERSON, Jr., Bogotá, no. 41. Anticipates "no difficulty in adjusting the case of the schooner Ranger as soon as" the parties concerned furnish "the necessary evidence showing the value of the Vessel and the amount of injury sustained"; notes that "consideration of the case of the Brig Morris is suspended, until the final decision of the Judicial tribunal shall have been pronounced." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received June 8. On the cases of the Ranger and the Morris, see above, Watts to Clay, January 6, 1826.


From William Tudor, Lima, no. 36, "Confidential." Describes the difficulties in organizing the (Peruvian) Congress, which assembled March 28; the opposition to the Ministry; the threat by (Simón) Bolívar, in the face of that opposition, to leave the country, with all the Colombian troops; the various deputations that prevailed on him to remain; and the views of the contending parties in the Congress. Cites a false report of a mutiny on board the Dolphin. Notes that the "latest advices from the U. S. are to the begin[n]g of December"; states that the British Government attempts to facilitate correspondence "with all commercial countries"; and urges that the United States promote its own commercial interests "by establishing a more frequent communication with Panama," by which "The time requisite for corresponding with the U. S. & these countries will be diminished one half. . . ." States that "the very objectionable decree" mentioned in his "letter No 27, under date of April 27th [i.e., 22] last", has never been executed. ALS. DNA, RG59, Cons. Disp., Lima,
To H[enry] B. Bascom

My Dear Sir

Washington 10h. April 1826.

I received your obliging letter of the 30h. Ulto.,1 full of so many kind expressions about my personal safety, the day after a late affair with Mr. R.2 It could not have prevented that affair, if it had been recd. the day before. As no injury occurred to either party, my regrets are limited to the countenance which a pernicious practice may receive from our example, and to the apparent violation of religious obligation. I must however say that my present feelings are in a state of composure and satisfaction, which I should not have enjoyed, if the occasion had not occurred. We are strange beings!

I pray you to believe that I have witnessed your deep solicitude for my welfare with the highest gratification; and the moment at which I received your last gave to its friendly Sentiments a touching interest.

Accept, my dear Sir, the cordial good wishes of Y’rs Sincerely
The Revd. Mr. Bascom.

ALS. DLC-HC (DNA, M212, R2). Addressed: “The Revd H. B. Bascom Near Maysville (K).”

Check to [Sarah] Paxton

10 April 1826

Pay to Miss Paxton1 or order the sum of Twenty five dollars being the price of one bonnet made after the Leghorn fashion. H. Clay
Cashr. of the Off. of Discount & Deposit Washington City.2


From John H. Pleasants

My dear Sir,

Richmond 10h. Apl. [1826]

I have just heard of your affair with Randolph1 and hasten to tender you and the nation, my sincere congratulations on your safety— Had I dared, I would have offered you the advice, which your own honourable feelings have suggested

The town is in a ferment— The event has already raised you
immeasurably—it must act with great effects throughout the Union. On all hands I hear your call upon Mr Randolph justified— I conjecture that something is behind, not very creditable to his nerves— It is curious, that none of his dear friends in Washington, have written a syllable; except Mr Tazewell in haste, to Mr Wickham²— Had he come out now I think we should have had more letters— I hope that this will stop the mouths of your illiberal enemies— I should be happy to hear from you—and trust that you have no more such calls in Contemplation.

I remain Dr Sir, Very Resply

Jno H Pleasants:

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.
¹ See above, Randolph to Clay, April 1, 1826, note.
² Littleton W. Tazewell; John Wickham.

DIPLOMATIC NOTES
April 10, 1826

From J[oSEP]H SILVESTRE REBELLO, Washington. States that he has been informed that his government has assured (Condy) Raguet of its willingness to negotiate in Rio de Janeiro a commercial treaty with the United States; expresses hope that the United States will authorize a person of “Caracter competente” to enter into the negotiations. LS, in Portuguese, with translation in State Department file. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).

INSTRUCTIONS AND DISPATCHES
April 10, 1826

From JOHN WILLIAMS, “United States ship John Adams Havana.” Notes that “This ship” will land him at Omoa, after which it will transport (Gustavus H.) Scott to Cartagena; that, since “Mr. Scott has properly declined returning by the way of Guatimala,” he (Williams) has decided to take with him to that place a warrant officer from the vessel, “Midshipman Marshall nephew of the Ch: Justice,” to bring the treaty to Commodore (Lewis) Warrington, “who will forward it to the U States”; and that he has consented to the resignation of McIntosh, his private secretary, who became “terrified at the description of the road from Omoa to Guatimala [sic] . . .” ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received May 1. Midshipman John Marshall, son of James Markham Marshall, lawyer and brother of Chief Justice John Marshall, was a native of Virginia and had entered the Navy in 1818, at the age of fourteen. He had been assigned to the Norfolk Navy Yard during the winter of 1825-1826. The following year he was appointed a lieutenant, at which rank he resigned from the service in 1837. McIntosh not further identified.

From JOHN WILLIAMS, Havana. States that (Thomas M.) Rodney advises sending letters and newspapers by way of Charleston, South Carolina, instead of New York, for more rapid passage to Omoa. ALS. ibid. Received (April) 28.

MISCELLANEOUS LETTERS
April 10, 1826

To GEORGE HAY. Transmits his commission as “Judge of the United States for the Eastern District of Virginia.” Copy. DNA, RG59, Dom. Letters, vol. 21,
p. 301 (M40, R19). Hay's appointment to this office as successor to Henry St. George Tucker, made during the recess of the Senate, had been confirmed March 31, 1826. Hay acknowledged receipt of this letter on April 18, 1826. ALS, in DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Tucker's letter of resignation, dated June 30, 1825, is located in RG59, Inv. no. 339, Letters of Resignation and Declination of Federal Office.

From George Hay. "Oak Hill, Loudon." Cites the law by which judges of the district courts are entitled to the copies of Wheaton's Reports which have been delivered to their predecessors in office; notes that he is entitled to possession of the copies held by his predecessor, Judge (Henry St. George) Tucker, but that, "from causes of peculiar delicacy, and force," he is unwilling to demand them; and reminds Clay of his promise to provide "a remedy." ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS

April 10, 1826

M[ark] Alexander and others recommend Peter M. S. Jones, of Tennessee, for appointment as United States attorney for either Florida or Arkansas, should a vacancy occur. LS, signed also by William S. Archer, andrew Stevenson, George William Crump, and Francis Johnson. DNA. RG59, A. and R. (M531, R4). Unaddressed. Jones may have settled at Key West shortly hereafter, but he received no Federal appointment. Crump, born in Powhatan County, Virginia, graduated from Princeton College in 1805, and trained in medicine at the University of Pennsylvania (1806-1808), was a member of the Virginia House of Delegates (1817-1822, 1825-1828) and of the United States Congress (1826-1827). He served as chief clerk of the Pension Bureau from 1832 until his death in 1848.

Newton Cannon, Harpeth, Tennessee, recommends Thomas H. Fletcher for appointment as district attorney for West Tennessee should there be a vacancy in that office, now held by Henry Crabb. Fletcher is a member of the State legislature. ALS. Ibid. (MR2). Cf. above, Carroll to Clay, November 25, 1825, note; below, Yeatman to Clay, December 29, 1826, note.


DIPLOMATIC NOTES

April 11, 1826

To Jose Maria Salazar. Acknowledges receipt of his note of March 19, which is here being answered at the direction of the President; reviews the efforts of the United States to engage Russia and other European states to cooperate in bringing peace between Spain and the new American Republics; refers to instructions to (Alexander H.) Everett to present to Spain "the utility" of ending the war; states that he will also be requested "to endeavour to prevail upon the Government of Spain to agree to a suspension of hostilities for a limited time, and upon the conditions" expressed in Salazar's note; proposes, in view of the power of Spain to defend, and the means "of Colombia, Mexico, and the Central Republic, to attack the Islands of Cuba and Porto Rico and the Marianas, and in view of the probable relative increase in the strength.
of Spain and the Republics," that "Colombia . . . consider whether the condition ought to be insisted upon, that Spain shall not, whilst the armistice continues, augment her forces in those islands." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 258-59 (M38, R3). ALI draft, in CSmH. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, I, 270-71.

INSTRUCTIONS AND DISPATCHES April 11, 1826

From Rufus King, London, no. 27. Comments on the recent illness of the King (George IV), the expected dissolution of Parliament, the mission of the Duke of Wellington to Russia (see above, Brown to Clay, February 13, 1826), and the difficulties faced by the Emperor (Nicholas I—see above, Middleton to Clay, January 2, 7, 1826); predicts that, under conditions prevailing in England, "no public business will be done"; and adds: "And were I in better Odeur, I could not expect to be attended to; tho' Mr. [William] Huskisson seemed not dis-inclined in our first meeting, to provide for the Light House at Abaco, seeing that the United States provided for all those on the Coast of Florida." LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received May 29. On the lighthouse at Abaco, cf. above, Rush to Clay, May 12, 1825; Clay to King, November 15, 1825.

From Henry Middleton, St. Petersburg, no. 57. Notes that, contrary to "the apprehensions entertained by many persons . . ., every thing has continued quiet" in Russia; encloses a document describing the reception of the remains of "the late Emperor" (Alexander I); gives a favorable account of the conduct of the Emperor (Nicholas I) during "the first days of his reign"; and discusses the possibility of a confrontation between Russia and Turkey. ALS. DNA, RG59, Dip. Disp., Russia, vol. 10 (M36, R10). Dated "30 March/11 April 1826." Received July 17.

MISCELLANEOUS LETTERS April 11, 1826

To Elisha Whittlesey, "M.C." States, in reply to Whittlesey's letter of March 27, that the vessels "referred to in the Documents herewith returned, were employed in the year 1812 by Charles Pettit, an authorized Agent of this Government," to transport to La Guaira goods donated by Congress for the relief of victims of an earthquake "—but that this Department has no information of the terms upon which they were so employed"; adds that the Department has no knowledge "distinguishing in principle the case of these vessels from that of Mr. Forrest . . . in which relief has been granted"; and concludes that "As the claim in the present instance is not set up on the ground of a Covenant, it must rest with the Legislature to decide whether the equitable consideration on which it afforded relief to Mr. Forrest do not equally reply to the present petitioners." Copy. DNA, RG59, Report Books, vol. 4, pp. 57-58.

From J[oseph] Dorfeuille, Cincinnati. Sends Clay copies of his circulars and requests him, "as an encourager of the fine arts," a "Citizen of the west," and a holder of high office, to "aid in circulating" his views and realizing his projects. ALS. DNA, RG59, Misc. Letters (M179, R64). Annexed is a circular of the "Western Museum, Cincinnati, Ohio," dated April, 1826, in which Dorfeuille solicits public support for his "scientific museum." Dorfeuille, "originally Count d'Orfeuille," was an itinerant artist, naturalist, and collector.
The Western Museum, organized in 1818 by Dr. Daniel Drake and others, had been opened in June, 1820, as the “first public service museum west of the Alleghenies.” It had been taken over by Dorfeuille in 1823 when the stockholders of the Western Museum Society, unable longer to support it, had given him the exhibits. Under the new management the museum gradually degenerated into “the field of entertainment.” In 1839 Dorfeuille sold out and moved to New York, where he opened another museum, which included some of the earlier Cincinnati exhibits. Bruno Gebhard, “From Cincinnati’s Western Museum to Cleveland’s Health Museum,” The Ohio State Archaeological and Historical Quarterly, LIX (1950), 371-78.

**APPLICATIONS, RECOMMENDATIONS**

April 11, 1826


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**From C[harles] Hughes**

My dear Mr Clay

private! Baltimore; 12 April; 1826.

I need not, I cannot, describe to you the deep anxiety I have felt about you, for several weeks past; and the joy of my heart, at your safety, after the *rencontre* with Randolph! I was persuaded that some such thing would be inevitable, from the audacious and slandering course pursued by him in the Senate. Dreadful as was the alternative, there seemed to be nothing else left to you; and I thank God, it has passed over as it has done! All society here unite in thinking and speaking of Randolph, and of his calumnies and indecencies, as they deserve. There is but one opinion! The only regret is, that you had not bled him copiously; & there is no little satisfaction expressed, that your ball made him feel, how near he was suffering, as he deserves to suffer! All respectable men are satisfied with you, in the affair; and agree, that it was impossible to have carried it farther. My blood thrilled through me when I heard of the meeting; I hastened up to the P. office, & found a letter from McLane of Delaware,² written to me on Saturday Evening, immediately after you had come into Town! It gave a very true account of what had passed; the sensation created here was very great; and there is an universal opinion & hope expressed, that you should not, & that you may not, be induced by any circumstance or consideration whatever, to expose yourself again, in any similar affair. The Nation will require this of you, independent of all other duties; of these latter, I could not but think & most intensely; I thought of Mrs. Clay, of your two little boys,³ of your own gallant & honest & affectionate heart; I assure you, I thought of you, & of your family, until I could have burst into tears! I trust
in God, that there is forever an end to all such scenes, in your
career; and I implore you, to treat with disdain the despicable
slanders of that miscreant McDuffie! There would be a lamenta-
tion, and a pronounced disapprobation, from one end of the land
to the other, if you condescended to pay the least attention to th[em.]
I am sure you will not; yet I cannot omit telling you what is the
public feeling on this, & on all similar points, no matter from whom
they may originate.— I wish I had been with you, on Saturday; &
I sometimes think, that you might have sent for me!— However,
thank God it is over; and I think, your mind will be, & must be,
completely composed, by your having given so severe a lesson to
Randolph, and shewn the world your readiness to chastise such
insolence.

I received yesterday a letter from Mr. Brown; it contains some
political views, which may be interesting; though, I take it for
granted, he communes very fully with you; still, as it may amuse
Mrs. Clay, I enclose it. I had also a letter from my very worthy
friend Mr. Cuthbert; his letter gives a better idea of the extent to
which the failures in London have been felt at Hamburg, than any
thing we have yet seen. I fear that our Friend Gabriel Shaw, who
was the chief person in the late contract for the Danish Loan, may
have Suffered; as yet, however, we have no such news! The Mr.
Wilson of the House of Commons, whose name you may have seen
lately in the British Papers, interrogating the Ministry, is Shaw’s
partner!— Cuthbert’s remark, as to the probable effects in Germany,
that would follow any serious disturbances in Russia, I look on as
perfectly sound; all Germany, & especially the Prussian Empire, is
volcanic, & nothing is wanting but some provocative [sic] to produce
an explosion.— Cuthbert continues to complain, & perhaps with
reason, about the Consulship! I am doing every thing in my power to be able to embark in Mr.
Patterson’s Ship for Rotterdam, on 1st. May! I fear I shall not
succeed; my private affairs are still unadjusted; & my only resource,
real property, is now so low, as to be entirely unsaleable! I shall
decide in about 8 days, whether I go in Mr. P.s ship; and if so, I
shall come to Washington to take leave! I take it for granted, that
from the great press of your occupations at this season, you could
give no more attention to the affairs of my mission, than to shake
hands with me & give me your blessing!

May I venture to remind you of the letter I took the liberty to
address to you, on Messrs. Gilmor & Mr. Oliver’s request for a
letter to The President of Hayti, recommending their interests to
his just consideration? I am aware, that there may be, at this
moment, objections to having any thing to do with His Excellency;
but this is a very simple case; & my Friends are, & have long been,
April 12, 1826

deprived of their indisputable rights and property; & as there is a precedent, perhaps you may take a favourable view of their application; I need not add, that your doing so, (if you find it admissible:) will confer a new favour upon Your very sincere Friend—

C. Hughes.

I beg to be remembered to Mrs. Clay & to the Boys. I did hope that Mrs. Hughes & my children would visit Washington; but we are obliged to avoid all expense that is not inevitable!

From Charles King

My Dear Sir

New York Wednesday 12 April 1826

I rejoice most Sincerely that you have escaped without injury to life or limb in the duel—and however much I may and do regret, that you should have been compelled to Such an issue, I cannot See, that it was to have been avoided— Yet I do apprehend that it will prove injurious to you among a large class of our people—It however places you I trust beyond the reach of any future appeals of the Same nature, and in that light I look at it not without satisfaction— I see with regret the Comments of Walsh on this transaction—and have it in my heart, to defend under Certain restrictions, the general practice—yet I do not know whether in our meridian I shall venture to do So—

Must not this event Excite indignation against Mr. Calhoun who by a Culpable neglect of duty in permitting Mr Randolph to speak in his licentious manner of other & absent persons, may justly be held responsible for the Consequences that such language is calculated & perhaps intended to produce? He it seems to me should be the object of public Censure, and not those whom he has permitted & permitting encouraged, to provoke Such alternatives—

I am glad that Randolph's pistol went off accidentally as it gave you the opportunity of shewing the difference in Conduct between a man of spirit who fights to vindicate his honor, and a mere malicious being, who fights for vengeance, & takes every advantage of his antagonist, and seeks to kill him, with the least possible Exposure of self— McDuffie will I think be able to appreciate this difference
au guste— I am also very glad that your fire, as well as that of Mr R. was ineffectual—

Let me know what the precise origin of this affair was, and what is the impression among your friends as to its effects—

Present me respectfully to Mrs. Clay, & tell her if you please, that as no one could have participated more deeply than myself in the solicitude to which, during the pendency of this matter (, which 1 conjecture Can hardly have been kept quite Secret) she must have been Exposed, So no one rejoices with more Sincerity than myself that it is so happily at an End—

Believe [sic] me with great truth & regard Yrs ever CHAS. King

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.
1 See above, Randolph to Clay, April 1, 1826, note.
2 Robert Walsh, Jr.
3 John C. Calhoun, presiding officer of the Senate.
4 While preliminary arrangements were being discussed at the duelling ground, Randolph’s pistol, set on hair trigger, had discharged. Clay had dismissed the incident as an accident, and the affair had been continued.
5 George McDuffie, now a Jackson supporter, had been involved between June and November, 1822, in a series of duels with William Cumming, of Augusta, Georgia, whose longstanding political differences on this occasion had erupted in connection with the rivalry of William H. Crawford and John C. Calhoun for the Presidency. Like Randolph, Cumming had worn a loose, flowing-style of garment at the first encounter. Controversy over this and, later, over the stance of Cumming had inflamed the controversy until, in all, three meetings had been held and two others attempted. At the first encounter McDuffie had been struck in the side, with the bullet lodging in his back: at the last, his arm had been broken. His health had been permanently damaged by the injury to his spine.

From C[harles] A. Wickliffe

Honbe. H. Clay Washington 12th. April 1826

Sir

You will recollect that during the last Congress the Attention of the Representatives from Kentucky was called by Resolution of the Legislature to the growing evil under which many of the Citizens of that State labour from the Countenance and protection which their fugitive Slaves receive from the Authorities of the Government of Upper Canada.1

If my recollection serves me correctly to you was assigned by your Colleagues the duty of presenting this Subjecting [sic] to the attention of the Executive of the United States

The evil is increasing and the Citizens of Ky have no information what efforts if any have been made by the Executive of the U States with the British Government to check it.

It was desirable that it should be made the Subject of Negotiations between the two Governments.

If the Attention of the President of the U States with that view has been called to the Subject, (if not inconsistent with your views of propriety,) I will thank you for any information upon the Sub-
ject which your relations with the Government of the U.S. May enable you to give.

Accept on this occasion the renewed Assurances of My respect, & esteem

C. A. WICKLIFFE

ALS. DNA, RG59, Misc. Letters (M179, R64).

1 The resolution, approved December 19, 1823, had instructed the Kentucky delegation to "invite the attention of the executive department" to the need for an arrangement with Great Britain for the return of fugitive slaves in the British provinces of Canada. Ky. Gen. Assy., Acts, 1823-1824, p. [487].

DIPLOMATIC NOTES

April 12, 1826

From CHARLES R. VAUGHAN, Washington. States that he is "instructed to declare to the Government of the United States, that" the two treaties concluded by Sir Charles Stuart at Rio de Janeiro with Brazil, one a commercial treaty and the other relating to the Brazilian slave trade (see above, Raguet to Clay, October 26, 1825), will not be ratified by Great Britain "in their present Shape, nor without important Alterations." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

From CHARLES R. VAUGHAN, Washington. States that he has received instructions to inform the Government of the United States that the British Government finds it impossible to accept the compromise offered by (Rufus) King in satisfaction of claims under the St. Petersburg Convention (see above, Clay to King, May 10, 1825; King to Clay, January 20, 1826), that Britain "cannot consent to allow, that the Question of Interest upon Arrears of Monies, which may be awarded to claimants, should be referred to the arbitration of the Commission, and also that the demand of Interest itself is resisted, as it is not contained in the Convention & declared to be unfounded by the law Officers of the Crown." Adds: "It is the earnest desire of His Majesty's Government, that the labours of the Commission should terminate speedily, and amicably, convinced that by adhering strictly to the Convention, full and impartial justice will be administered to every claimant upon the British Government." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in American State Papers, Foreign Relations, VI, 746.

INSTRUCTIONS AND DISPATCHES

April 12, 1826


From CONDY RAGUET, Rio de Janeiro, no. 8. Comments on the difficulty of obtaining accurate news, foreign or domestic, in a country where the press is not free; states that he has learned that Sir Charles Stuart "had no instructions to negotiate the treaties upon the subjects of commerce and the abolition of the slave trade" (see above, Raguet to Clay, October 26, 1825); reports news from the various provinces and from the River Plate, including a rumor that Admiral (Rodrigo José Ferreira) Lobo is to be "superceded [sic] by an Admiral Pinto, ... a native of Portugal, somewhat advanced in life and ... not ... at sea
for many years”; and speaks of a lack of enthusiasm shown the Emperor (Peter I) on his recent return to Rio de Janeiro and, earlier, on his tour to Bahia. Reports the issuance of “Rigorous orders . . . to prevent the importation of China and India goods, in foreign vessels, in conformity with the existing laws,” and encloses a copy of the “Tariff of this country.” Notes that “Mr. [John M.] Forbes’s protest against the blockade [see above, Forbes to Clay, February 14, 1826], was republished here . . . without comment”; cites the entry of French and English ships into Buenos Aires despite the blockade; and expresses an expectation of hearing that Captain (Jesse D.) Elliott has done so for the United States (cf. above, Raguet to Clay, March 20, 1826), “after which,” he thinks, “the doctrine of the right to exclude neutral ships of war from a blockaded port, will be abandoned in this hemisphere.”


MISCELLANEOUS LETTERS

April 12, 1826

To CHARLES A. WICKLiffe. States, in reply to Wickliffe’s letter of this date, “that the subject . . . has engaged the attention of the Executive, but that no such progress has yet been made in any negotiation concerning it as to admit of . . . saying more about it, at present.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 301 (M40, R19).

From RAPHAEL LAMAR WEST and BENJAMIN WEST, JR., “14-Newman Street” (London). State that they have written to the Speaker of the House of Representatives (John W. Taylor), hoping to sell to the United States Government 150 pictures by their late father, Benjamin West, and ask Clay to recommend this proposal to the President. ALS. DNA, RG59, Misc. Letters (M179, R64). Raphael L. West, born in 1769, was the elder son of Benjamin West and a painter in his own right. Benjamin West, Jr., had been born in England in 1772. The brothers had earlier written to Secretary of State John Quincy Adams, offering the pictures for sale, and had been advised by Adams to “make a direct application to Congress.” Benjamin Perley Poore (comp.), A Descriptive Catalogue of the Government Publications of the United States . . . (Washington, 1885), 174. On April 12, 1826, they wrote to the Speaker, repeating the offer and listing the titles and sizes of the pictures. This letter was “Received and laid upon the table.” House Docs., 19 Cong., 2 Sess., 3-9. Benjamin West [Sr.] born in Pennsylvania in 1738, had studied at the College of Philadelphia and in Italy. In 1763 he had moved to England, where he had remained until his death, in 1820. His work had received great acclaim as well as the patronage of George III.

To Alexander H. Everett

No. 5 Alexander H Everett Envoy Extraordinary and Minister Plenipotentiary, U. S. Madrid

Sir Department of State Washington 13. April 1826.

I transmit herewith a copy of the answer of Count Nesselrode to the overture through Mr. Middleton which was authorized by my
dispatch of the 10th. day of May 1825, of which you are in possession of a copy. From a copy of Mr. Middletons Letter to me now also forwarded, you will perceive that he thinks a more favourable effect was produced by that overture on the Russian Government than the terms of Count Nesselrode's answer would strictly import. Mr. Middletons interpretation, in that respect, of the views of Russia has been sustained and strengthened by the Russian Minister, the Baron de Tuyll, in several interviews which I have had with him. As we have not heard through you, or from any other source, of any attempt at Madrid, on the part of the Russian Government, to enforce on Spain pacific counsels, we should be disposed to question the correctness of the opinion of Mr. Middleton, but from considerations arising out of the journey commenced during last summer, by the late Emperor, and his subsequent death. That unexpected and lamented event has produced, at St. Petersburg a state of things, to an account of which Mr. Middletons late dispatches have been exclusively confined. As the Emperor Nicholas has announced his intentions to follow in the footsteps of his predecessor, we may conclude that he will co-operate in bringing about a peace, if possible, between Spain and the new Republics, unless we have been misinformed by Mr. Middleton and Baron Tuyll.

On the 20th. day of last December, I addressed a Note to each of the Ministers from Colombia and Mexico, a copy of which is now forwarded, for the purpose of prevailing upon their respective Governments to suspend any expedition which both or either of them might be fitting out against the Islands of Cuba and Porto Rico. The President considered the suspension might have a favourable effect upon the cause of peace, and it was also recommended by other considerations. We have not yet been officially informed of the result of the application, but it was made under auspicious circumstances, and there is reason to believe that it will be attended with the desired effect. You will avail yourself of this measure to impress upon Spain the propriety of putting an end to the war, and urge it as a new proof of the friendly dispositions of this Government.

In respect to Cuba and Porto Rico, there can be little doubt, if the war were once ended, that they would be safe in the possession of Spain. They would, at least, be secure from foreign attacks and all ideas of Independence which the inhabitants may entertain, would cease with the cessation of the state of war which has excited them. Great Britain is fully aware that the United States could not consent to her occupation of those Islands, under any contingencies whatever. France, as you will perceive by the annexed correspondence with Mr. Brown and with the French Government, also well
knows that we could not see, with indifference her acquisition of those Islands. And the forbearance of the United States in regard to them, may be fully relied on, from their known justice, from their patience and moderation heretofore exhibited, and from their established pacific policy. If the acquisition of Cuba were desirable to the United States, there is believed to be no reasonable prospect of effecting, at this conjuncture, that object. And if there were any, the frankness of their diplomacy, which has induced the President freely and fully to disclose our views both to Great Britain and France, forbids, absolutely, any movement whatever, at this time, with such a purpose. This condition of the great maritime Powers (the United States, Great Britain and France) is almost equivalent to an actual guaranty of the Islands to Spain. But we can enter into no stipulations, by Treaty to guaranty them. And the President, therefore, approves of your having explicitly communicated to Spain that we could contract no engagement to guaranty them. You will continue to decline any proposal to that effect, should any such, hereafter, be made.

I received a Note from Mr. Salazar, the Colombian Minister, under date the 19th. Utto., to which an answer was returned on the 11th. instant, of both of which, copies are herewith transmitted. The purport of his Note was to engage the good offices of this Government in the endeavour to prevail upon Spain to agree to an armistice, on the terms specified, with the new Republics. The President has acceded to the wishes of Colombia as you will observe in my reply. And I am directed by him to instruct you, if peace be unattainable, to press on Spain the expediency of consenting to a suspension of hostilities. The circumstances enumerated by Mr. Salazar clearly indicate the necessity of peace itself, and, of course, comprehend the weaker measure of an armistice. To that enumeration may be added the fact of the intelligence just received here in apparently an official form, of the fall of the Castle of Callao; and the information which we have also received that Chili has sent forth a powerful expedition under the command of her President in person, against the Archipelago of Chiloe, which has probably, before this time, been reduced by the arms of that Republic.

I shall address a Letter to you, in a short time, pointing out several objections to the project of a convention which you have submitted to the Duke del Infantado. In the mean time,

I am, Sir, Your obedient Servant H. Clay—
4 See above, Allen to Clay, February 23, 1826.
5 See above, Allen to Clay, December 2, 1825.
6 See above, Everett to Clay, December 2, 1825.

From James Brown
Paris. April 13. 1826

My dear Sir,

Soon after purchasing the few articles which were sent out for furnishing your house I wrote you, as well as I can now recollect, that finding the exchange unfavorable I should not draw upon you for the amount advanced by me and indeed it was then my intention, as I did not want the money to have left in [sic] your hands until my return to the United States.¹ The Minister of Baden some time in the month of January requested me to sell a Bill on the United States to Madme. Pasta of the Italian opera for three thousand francs which she wished to remit her husband at New York, and as she offered to take it on the usual terms of Exchange I drew on you for that sum and advised you of my having done so.² Under these circumstances I regret that you have thought it necessary to remit me the Bill of the Baron de Mareuil³ for five thousand francs which I received a day or two ago. I fear you apprehended that from the very considerable loss I have sustained in the failure of Wm Kenner and Company I might find some embarrassment in receiving here, the necessary funds in addition to my salary and that you have been anxious to prevent me from feeling the want of what I had advanced on your account. I was so fortunate before that failure which has put so much of my savings in jeopardy as to have drawn over between six and seven thousand Dollars of my crop of 1824. The residue of that crop and about fourteen thousand Dollars which had been previously left in their hands is embraced in their Bankruptcy and I may eventually lose it. The present crop (that is to say that of 1825.) is yet untouched and I have funds here to meet my expences until 1827 when I shall have two Crops on hand deducting only the expences of the Plantation. I hope you will be so kind as to take up Madame Pastas draft and charge it to me and my draft for my next quarters Salary instead of twelve will be reduced to nine thousand francs. It would, independantly [sic] of the damages, give me pain to have the draft protested as her husband has probably no other funds for his support during his residence in America.

I have seen the resolutions of the Merchants in our principal cities and have reflected on the proposal to send a special Mission to this Government.⁴ It does not seem that either the Committees of Congress at its former Sessions, or the people at these meetings have adverted to the objections made by France to adjusting our
claims as growing out of the 8th. Article of the Treaty. I did expect that this objection would have been alluded to and if unsubstantial exposed by some reasoning and argument. I do not believe that the French Government will consent, whatever mission you may send, to discuss our claims without connecting in the discussion the claim arising out of that article, and in a former letter I requested you to examine the question attentively in order to discover whether France may not have some ground to complain of the Conduct of the United States in relation to that Treaty. The pretension of Mr. de Neuville to claim the advantages in our Ports enjoyed by England in consequence of the Convention of 1816 [sic] admit of an easy refutation. But I again would ask you whether in laying the additional tonnage duty of 1820 on French vessels it may not be said that we placed her upon a footing less favorable than that of some other nations with whom we had no treaties? To have avoided the imputation of having broken the Louisiana Treaty ought not the additional tonnage duty to have been imposed equally upon all nations with whom we had no treaties to forbid it? If the claim of France is confined to this single instance, then it can only amount to the value of their navigation in the port of New Orleans from the date of operation of the law imposing that tonnage duty until the ratification of the Convention of 1822.—This sum would not be considerable and its amount might be ascertained without much difficulty. It is however probable that France would even then set up set up [sic] exaggerated pretensions and that the subject would still be attended with difficulties. But having met her on her own ground, the prospects of obtaining something would be greater than they will be so long as by refusing to examine all the questions between the two Governments we afford them a pretext for refusing to investigate and settle our claims. I merely throw out these ideas for consideration but again repeat that however imposing a special mission may be, I do not believe that this Government will on its representations vary the answer which has already been repeatedly given. Is it not also worth while to reflect on the course which we shall be compelled out of a due respect for national honor to pursue in case the Mission shall be unsuccessful? And if sent to France Naples Holland and Denmark will not these Governments make common cause in its rejection? I am happy that my conduct has been approved by the President, and that should he determine in favor of such a Mission he will not do so from any distrust in my zeal, ability, or industry. I am too anxious to promote the interest of those concerned, and too desirous to see the honor of my country preserved to feel any jealousy or dissatisfaction [sic] at any measure the Government may adopt to arrive at its object. My
instructions have been carefully examined and I believe strictly pursued and notwithstanding the wretched state of my health, I have neglected no duty which my perplexing situation has devolved upon me.

The latest accounts from Greece give the melancholy particulars of the taking of Missolonghi by assault and the massacre of all its inhabitants. The people of France feel much sympathy in the cause of the unfortunate Greeks and are raising large subscriptions for their relief. It is now obvious that if some of the Christian powers do not interfere they cannot hold out another Campaign. It is rumoured that Russia is willing to unite in urging the Porte to terminate the war and the English papers state that Mr Canning is instructed to use his influence at Constantinople for that purpose. Many rumors and conjectures are in circulation respecting the internal state of Russia and the course of policy which the Emperor Nicholas may be inclined to adopt, but all these are so vague and doubtful as not to deserve any particular notice. The report was current at the Exchange on yesterday that the Emperor had declared his determination to commence hostilities against Turkey and that the Duke of Wellington had left St Petersburg, and the funds in consequence declined considerably.

The law for the distribution of the Indemnity amongst the Colonists of St Domingo has passed the Chamber of Deputies and has been sent to the Peers.

Mrs. B is well and joins me in affectionate Greetings to Mrs. Clay.

I am Dear Sir very sincerely Your very faithful

JAMES BROWN

ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26).

DIPLOMATIC NOTES

April 13, 1826

From the Baron F[rançois] de Maltitz, Washington. Transmits documents giving official information relative to the conspiracy discovered in Russia. ALS, DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated "le 1/13 Avril 1826." Cf. above, Maltitz to Clay, April 7, 1826.

From the Baron F[rançois] de Maltitz, Washington. Transmits le Manifeste Impérial of 12/24 December, 1825, relating to the death of the Emperor (Alex-
ANDER I), the renunciation of the throne by Constantine, and the succession of Nicholas I. States that he has been instructed to declare that the new monarch will continue the policies of his predecessor and that he hopes to receive from the Government of the United States "les mêmes dispositions à entretenir les rapports d’amitié sincère et de mutuelle confiance qui, établis et maintenus sous l’Empereur Alexandre, ont offert jusqu’à présent des garanties si précieuses au bonheur des Peuples et au repos du monde civilisé." ALS. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated 1/13 April 1826.

From Charles R. Vaughan, Washington. States that, since he saw Clay yesterday, he has received copies of the recent treaties of France, Colombia, and the Hanseatic towns with Great Britain; offers Clay copies of these documents. ALS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Cf. above, Brown to Clay, January 13, 1826; Watts to Clay, May 10, 1825, note; Brent to Clay, February 5, 1826.

MISCELLANEOUS LETTERS

April 13, 1826

To [John Quincy Adams]. In response to the House Resolution of January 4, 1826, requesting "A list of all appointments made by the Executive since the adoption of this Government, from the Members of Congress, during their term of service, and for six months thereafter, stating the names of the persons appointed—The State or territory by them represented—the time when they were appointed—the nature of the appointments conferred, and the amount of salary or other emoluments received by virtue of such appointment," submits a statement of the commissions issued through the State Department; notes the difficulty of obtaining "full and complete lists of all gentlemen elected to both branches of Congress, from the commencement of the present Constitution . . . there being no record made at this City of the names of members of Congress until their appearance in their respective places." Copy. DNA, RG59, Report Books, vol. 4, p. 158. The letter and the accompanying list were published in House Docs., 19 Cong., 1 Sess., no. 164, pp. 5-12. For the resolution, see U.S. H. of Reps., Journal, 19 Cong., 1 Sess., 117.

From Joseph Hill Clark, Havana. Notes "the satisfaction of this government & this people at the sentiments" contained in the President's message, "particularly as regards this Island." Reports that "it is now hinted" that a small naval squadron, which sailed from Havana "About a month since . . . to touch at St. Iago de Cuba" and Puerto Rico, "may show themselves off Carthagena, not so much to menace as to show a respectable force, attached to the defence of this Island"; states that "Those who have watched the formation of this squadron & know the kind of people who command it believe in its utter worthlessness & total incapacity for successful [sic] attack or defence. . . ." Describes the financial difficulties "of this government" and the efforts to raise money through loans and taxation. Encloses a copy of "a Royal order from the Court of Spain directed to the Authorities of this Island, for the purpose of putting a stop more effectually to the slave trade"; points out that by this document "those Negros [sic] which have in such numbers been brought into this island since 1819 in a clandestine manner, all are . . . recognized as legitimate slaves! absolutely nullifying [sic] all treaty stipulations between England & Spain made in 1817"; predicts that the order will prove ineffectual. States that he will leave in "a few weeks for England & Germany." ALS. DNA, RG59, Florida Archives, envelope 6.
In his message of March 15 (cf. above, King to Clay, March 21, 1826), Adams had referred to the importance of "The condition of the islands of Cuba and Porto Rico" and had added: "It is unnecessary to enlarge upon this topic; or to say more, than that all our efforts in reference to this interest, will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants." *House Docs.*, 19 Cong., 1 Sess., no. 129, p. 9. On September 23, 1817, England and Spain had signed a treaty under which it was agreed that the slave trade should be abolished throughout the Spanish dominions effective May 30, 1820; that the Spanish slave trade on the coast of Africa north of the equator was to be terminated with the exchange of ratifications, scheduled to occur within two months from signature of the treaty; that Spanish vessels engaged in such trade on the coasts of Africa where it remained lawful must carry a special passport; and that the British should pay £400,000 sterling in full compensation for losses sustained by Spanish subjects engaged in the traffic. *Annual Register, 1818*, "Appendix to Chronicle," 215-19.

From Frederick de Peyster, Charles King, Philip Kearny, George Griswold, and Elisha Tibbits, New York. Introduce, as a committee of New York "merchants and others . . . having claims on the French & other European governments," Thomas Warner, who will give Clay "a Copy of the memorial presented in behalf of those claimants to the President" and who is being sent to Washington to seek information relative to the claims "and to urge in all proper ways their justice and importance." Request that he be permitted "ready access" to Clay, "in any business relating to these claims. . . ." ALS by King, signed also by the others. DNA, RG59, "Letters of Recommendation." De Peyster, a lawyer, from 1820 to 1837 master in chancery of New York, later became active in cultural and philanthropic activities, notably as corresponding secretary of the New-York Historical Society from 1827, with brief interruption, to 1843. Tibbits and Warner not further identified.

To [John Quincy Adams] [April 14, 1826]

The Secretary of State to whom has been referred by the President the resolution of the House of Representatives of the 11th inst. requesting him to inform that House (if within his power) whether any Government except the Government of the United States has been invited to send Ministers to the Congress at Panama. And also, whether he has any reason to expect that any other Government or Governments in addition to the Independent Governments of Spanish America and the Government of the United States of North America (and if any what other Government or Governments) will be represented in or at the Congress at Panama"¹ has the honor to report—

1. A Copy of a Note from Mr. Salazar addressed to the Secretary of State from New York under date the 10th. March 1826 with a Copy of the Note, to which it refers from the Chevalier de Gameiro to Mr. Hurtado, under date at Park Crescent in London on the 30. October 1825.
2. An Extract from a despatch from Mr. Raguet, Charge d’Affaires of the United States to Brazil, under date the 14th. Feb. 1826. and
3. An Extract from a Letter of Mr. Poinsett, under date at Mexico, 1826.²

The Secretary has also the honor to state that other information, though not in an official form has reached this Department of the intention of G. Britain to have an Agent present at the Congress of Panama;³ and the Department has also been informed that France, (whether with or without invitation is not known here) will likewise have an Agent there.⁴ But it is not believed [sic] that these Agents of Great Britain and France are expected to take any part in the Conferences or negotiations of the Congress. No information is possessed in the Department of the intention of any other Government to be represented in or at the Congress of Panama, except the Independent Governments of Spanish America, the U. States, Great Britain, France, and the Emperor of Brazil.

All which is respectfully submitted.

H. CLAY

**DIPLOMATIC NOTES**

April 14, 1826

From Peter Pedersen. Encloses copies of the additional article to the late convention between Denmark and Great Britain respecting the mutual abolition of the droit de détraction, the proposed addition to the article respecting the trade to the West India colonies, and “one which he begs leave to recommend for adoption.” Typed summary. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1). See below, Treaty, April 26, 1826. For the commercial convention between Denmark and Great Britain, dated June 16, 1824, see Annual Register, 1825, “Public Documents,” 66*–69*. The additional article permitted withdrawal of personal property by subjects of the respective governments “from the dominions of their said majesties reciprocally,” the colonies having been excepted from the general convention.

**MISCELLANEOUS LETTERS**

April 14, 1826

From John Forsyth, Washington. Transmits, for the Committee of Foreign Relations, “a copy of a Resolution submitted to them by the House”; asks whether “the general instructions to our Minister in France [James Brown] do not authorize him to stipulate for the liquidation and payment of the claim of Caron de Beaumarchais in a future adjustment of the claims of citizens of the United States against France.” ALS. DNA, RG59, Misc. Letters (M179, R64). On the claim, see above, III, 313n.
From H. Harrison, Catahoula (Parish, Louisiana). Encloses a letter to the President in regard to a plan of internal improvement, proposed by Harrison, which “The Legislature has put into circulation . . . surreptitiously”; states that “the Legislature are about to appoint a board of engineers,” which, he thinks, will “do nothing more than report” his plan, “if really disposed to encourage the improvement of this country”; notes, however, that the “Legislature is too much influenced by the Orleans interest”; argues that “in the present case the business of internal improvement belongs more properly to the General Government, than to the Legislature of this State—for of the territory within the limits of this State, Congress is the owner of more than 4/5ths”; requests that his “letter to the President . . . be published in the National Intelligencer”; and promises to send his manuscript when directed to do so. ALS. DNA, RG59, Misc. Letters (M179, R64). Harrison, probably Henry, a resident of Feliciana since before American annexation, published, in 1828, at Cincinnati, Hydraulicus; or Improvement of the Mississippi: Offering a Plan for the Reduction of Its Overflow, and that of Its Alluvial Tributary Streams. His letter to Adams, also dated April 14, 1826, explains that he had previously submitted the manuscript of such a work to the Louisiana Legislature with the hope that it would finance publication and that it had begun to do so but had abandoned the project. He now seeks Adams’ support in obtaining its publication by Congress. MHi-Adams Papers, Letter Received (MR475).

From William Olmsted and John M. Dunham, Evansville, Indiana. State, as associate judges of Vanderburgh County, Indiana, that Elisha Harrison is the sole proprietor of the Evansville Gazette; that sales of part interest made, first, to William Monroe and, later, to (Thomas) Evans were “Conditional, and the Terms never complied with”; and that “Both of these men (Monroe and Evans) have left the Country under Circumstances which would not Justify the expectation of their return—” LS, in Harrison’s hand. DNA, RG59, Accounting Records. Cf. above, Harrison to Clay, September 16, 1825. Olmsted had been named associate judge of Vanderburgh County in 1822; Dunham had been appointed in 1824. They both continued in office for over a decade.

APPLICATIONS, RECOMMENDATIONS

D[ennis] H[art] Mahan, Lieutenant, Corps of Engineers, West Point, explains that he is going to the south of Europe for the benefit of his health and seeks appointment as bearer of dispatches to “the courts of England or France.” ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on verso by Clay: “Mr. B[rent] will inform the writer that it is not probable that we shall want a Bearer of despatches, depending as we do almost exclusively on the safe conveyance of the Packets. H C.” Mahan, born in New York, had been reared in Virginia and appointed to the Military Academy from that State in 1820. He had been graduated at the head of his class in 1824, had served from 1824 to 1826 as an assistant professor of mathematics and engineering at the Academy, and at this time was sent abroad by the War Department to study European fortifications, as basis for improvement of the course at West Point. He spent four years at the School of Application for Engineers and Artillery at Metz and returned to teach civil and military engineering at West Point from 1832 to 1871. Brent’s reply, dated April 17 and written in accordance with Clay’s instructions, is located in DNA, RG59, Dom. Letters, vol. 21, p. 303 (M40, R19).
To Charles R. Vaughan

The Right Honourable Chas. R. Vaughan, Envoy Extraordinary and Minister Plenipotentiary from Great Britain

Sir,

Department of State Washington, 15. April 1826.

I have to acknowledge the receipt of the letter under date the 12th. instant which you did the honour to address to me, and having submitted it to the President of the United States, I have his directions for the answer which I am now to communicate.

The proposal of a compromise, made by Mr. King, proceeded from a belief that the interests of both Great Britain and the United States would be promoted by fixing upon a gross sum, to be paid in lieu of the amount of the awards of a Commission whose progress had been attended with much difficulty, and whose duration was altogether uncertain. It was also believed that a compromise was conformable to the wishes of Great Britain. If the Commission would proceed to execute, according to its true intent and meaning, the Convention of St. Petersburg, the Government of the United States would prefer the aggregate amount of their adjudications to any sum, on which the two Governments might have agreed, by way of compromise, because that amount would express exactly the measure of indemnification which is due to the Citizens of the United States under the decision of His Imperial Majesty, whilst a substituted sum could only be an estimate of it somewhat uncertain. In declining the proposal of Mr. King, it would have corresponded with the friendly spirit in which it was conceived and brought forward, if the British Government had stated what were its views of admissible terms of compromise. From the nature of the subject, in considering the terms of any compromise, absolute precision, as to the exact amount of indemnity due, is unattainable. The opinion of each party necessarily depends upon the view which he happens to take of the facts and principles involved, and may be also affected, without his consciousness [sic], by the bias of his own wishes and interests. It, therefore, often, if not always, happens that no compromise, in any case, can be effected until the parties have exchanged proposals, and thus attempted to reconcile conflicting interests. In contenting itself, as the British Government has done, with a simple negative of the offer of Mr. King, after having invited him to make it without putting forward any other proposal, the Government of the United States has been disappointed in the fulfilment of a just expectation.

The declaration which you have been directed to make, that His Britannic Majesty's Government can not consent to allow that the question of interest should be referred to the arbitration of the
Commission, has been received with surprize. By the fifth article of the Convention it is provided that "in the event of the two Commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this Convention, then and in that case, they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the Commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two Commissioners, and of the arbitrator so drawn by lot. And the arbitrator when so acting with the two Commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth article of this Convention upon the Commissioners, and shall be vested with the same powers, and be deemed for that case, a Commissioner."  

The Commissioners have disagreed in several cases, in which the American Commissioner has offered to designate an Arbitrator in the mode provided by that article, and the British Commissioner has refused his concurrence. One of those cases is the question of interest, to which you refer, but it is not the only case. The scheme of the Commission is, that in all decisions whatever, arising under the Convention, there shall be at least two voices, that is to say, those of the two Commissioners themselves, if they can agree, and, if they cannot, those of one of the Commissioners and one of the Arbitrators. The Convention no where gives any countenance to the idea that the decision of one Commissioner, in any case under examination, is to be absolute and definitive. But if the refusal of the British Commissioner to give effect to the 5th. article, by casting lots for the Arbitrator, is to be upheld and justified, the decision of that Commissioner is in effect final and conclusive, and the Commission is no longer mixed, (American and British) but becomes simply and purely, a British Commission. If as you are instructed to declare, interest is not contained in the Convention, it needed no declaration of the law officers of the Crown that it was unfounded. Whether it be comprehended in the Convention or not, as a part of the indemnity, for which it stipulates, properly belongs to the Commissioners to determine. They are divided on that question, one entertaining the opinion that it is, and the other that it is not, a part of the indemnity. Here is the precise contingency for which the office of Arbitrator is created in the Convention. We are prepared to shew, if it were proper now to enter on the discussion, that interest is a fair and just component part of the indemnification which the Convention stipulates, and that without interest it would fall far short of the intentions of His Imperial Majesty's decision. If the refusal of the British Commissioner to co-operate in the designation
of an Arbitrator is to be sanctioned in this instance, his refusal in every other case of disagreement between him and the American Commissioner may be equally supported; which would be equivalent to the dismissal altogether of the American Commissioner, and an exclusive transfer of the whole business of the Commission to the sole determination of the British Commissioner. It is, therefore, necessary to enquire whether the British Government means to assume, as a general principle, that the British Commissioner has a right in all cases of disagreement between him and his associate, to refuse his concurrence to the appointment of an Arbitrator; and, if not, what is the principle for which they do contend, with its limitations; and also, whether they mean to justify his refusal in cases of disagreement which have actually occurred other than that on the point of interest.

Concurring entirely in the sentiment expressed by you, that the labours of the Commission should be speedily brought to an amicable conclusion the American Government has seen, with approbation the readiness which their Commissioner has displayed, in every instance, in which he has unfortunately disagreed with his associate, to proceed to the appointment of an arbitrator. Should other disagreements arise between them, in the future progress of the Commission, he will, no doubt, continue to manifest the same disposition. And the hope is confidently indulged that, upon reconsideration, the good faith which ought ever to characterize the execution of national engagements will induce the British Government to cause the fulfilment of the fifth article, according to the plain import of both its spirit, and the terms in which it is expressed.

I pray you to accept assurances of my high consideration.

H. Clay.

INSTRUCTIONS AND DISPATCHES

April 15, 1826


From Thomas M. Rodney, Havana. Encloses a copy of a letter he wrote on the preceding day to the Secretary of the Treasury. ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). In the enclosure, addressed to Richard Rush, Rodney proposes, to combat "the practice of vessels carrying two sets of papers, entered into largely at this port," that vessels clearing foreign ports be
required to "produce to the collector at the port she may enter in the United States a certificate under the consular seal of such clearance. . . ."

MISCELLANEOUS LETTERS

April 15, 1826

From Edward Everett, Capitol Hill. States that he sends a messenger for "Mr. Alexander H. Everett's note to the Spanish Government on the recognition of the Colonies" (see above, Everett to Clay, February 13, 1826), which Clay promised him "last Evening." Inquires "when the Republic of Central America applied to be admitted to this Union" (cf. above, Clay to Miller, April 22, 1825) and requests "any documents on that Subject." ALS. DNA, RG59, Misc. Letters (M179, R64).

From Elisha Harrison, Evansville (Indiana). Refers to the statement by (William) Olmsted and (John M.) Dunham, being sent in support of his claim for printing forwarded to Clay earlier (see above, April 6, 1826); notes that Ratliff Boon "is well acquainted with those gentlemen." ALS. DNA, RG59, Accounting Records. Attached to the letter, above, Olmsted and Dunham to Clay, April 14, 1826.

From Christopher Hughes, Baltimore. Reports that he will sail for Rotterdam on May 1, prior to which, on April 22 or 23, he will visit Washington. ALS. DNA, RG59, Dip. Disp., Netherlands, vol. 8 (M42, R-T12).

APPLICATIONS, RECOMMENDATIONS

April 15, 1826

Philip H. Jones, Washington, applies for a clerkship in the State Department. Mentions support (not found) for his application by General (James) Taylor, (William W.) Southgate, (Thomas D.) Carneal, and (probably Cassius B.) Sandford, who have known him for many years. Notes that he has lived in Kentucky "from early life," that he returned to Virginia two years ago to settle an estate "of a deceased parent," and that his address is Fredericksburg. ALS. DNA, RG59, A. and R. (MR2). Jones, not further identified, received no appointment. Cassius B. Sandford was a Covington, Kentucky, banker.

DIPLOMATIC NOTES

April 16, 1826

From the Baron de Mareuil, Washington, States that, having laid before his government the claim, presented in his letter to Clay of October 25 (1825) in the case of La Revanche, and Clay's reply, of November 9, he has been instructed to pursue the matter further. Cites the satisfaction of his government with the reaction of the United States to the decision of the special jury at St. Augustine and with the nullification by Congress of the Florida legislative act but protests that, if the claimants must go to the courts for redress, his government cannot admit that the decisions of these tribunals may affect "aucun recours de la part du gouvernement du Roi auprès du gouvernement fédéral." Points out that France asks nothing that is not based on its own principles of reciprocity toward foreign countries; demands for Frenchmen shipwrecked on American coasts treatment similar to that given by France in like circumstances; encloses documents relative to three American vessels wrecked on French coasts; and indicates the willingness of France to agree to a special convention concerning salvage of vessels. Adds that his remarks with respect to
La Revanche apply also to the case of the Calypso (see above, Mareuil to Clay, May 6, 1825), to which he again calls Clay’s attention. LS, in French, with translation in State Department file. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7).

MISCELLANEOUS LETTERS

April 16, 1826

From John W. Richardson, Haverstraw P. O., New York. Notes that, after consulting New York lawyers, he has some doubt regarding provisions of treaties between Great Britain and the United States; explains that a vessel, fitted out by him in 1819, was stolen, shortly afterward, by its former captain (whom Richardson had removed); states that he has now located that person in Upper Canada; inquires whether this is not a case of piracy and whether the United States can demand the culprit of the British Government. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay on verso: "... Mr. Brent will write that the case stated presents a question of law, the solution of which does not belong to this department— But that if the act be piracy there is no right on the part of this Government to demand the surrender of the offender. HC." Richardson has not been further identified. Daniel Brent’s reply, as directed, was dated April 23, 1826. Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 305-306 (M40, R19).

To John Forsyth

John Forsyth, Esqre. Department of State, 17 April 1826.
Chairman Committee foreign relations, H. R.

Sir,

I have received the Letter which, as Chairman of the Committee of Foreign Relations, You addressed to me on the 14th. instant with the copy of the Resolution enclosed. And I have now the honour to refer you to a Letter under date the 7th. May 1816 from Mr. Monroe, then Secretary of State to Mr. Gallatin, then Minister of the U. States at France, a copy of which was communicated by the President of the United States to the House of Representatives on the 2d. Feb. 1824, and to a Letter from Mr. Gallatin to the Count de Villele, under date the 12. November 1822, a copy of which was a part of the same communication, which will probably afford the information desired by the Committee. In respect to the general Instructions given to Mr. Brown which have not yet been communicated to either Branch of Congress, I do not feel myself authorized to state what they do or do not contain without the direction of the President, and the impropriety of any public disclosure concerning them, during the pendency of negotiations will, I presume, appear to the Committee.


1 Cf. above, III, 318n, 750n. See also House Docs., 18 Cong., 1 Sess., no. 60, pp. 10, 74-75.
APRIL 18, 1826

Full Powers to Negotiate a Treaty of Commerce with Denmark

[April 17, 1826]

[The President of the United States has granted to Clay "full power and authority . . . to conclude a Treaty or Convention" of "Peace, Friendship, Commerce and Navigation between the said United States, and the government of Denmark. . . ."]

Copy. DNA, RG59, Ceremonial Communications, vol. 2, p. 46.

DIPLOMATIC NOTES

April 17, 1826

From Charles R. Vaughan, Washington. Refuses to "acquiesce in the latitude" given by Clay, in his note of April 15, "to the powers of the Commissioners under the Convention of St. Petersburgh"; sees, in "the refusal of the British Commissioner to have recourse to an arbitrator," no justification for Clay's apprehension concerning the future course of the Commission's work; states that he has found, upon inquiry, that the British Commissioner has refused in only three instances to call upon an arbitrator, on the issues of admitting "a claim after the definitive list was closed," a "claim for slaves carried from Dauphine [sic] Island" (cf. above, Cheves to Clay, April 26, 1825), and a claim for interest; states that Clay appears to be laboring under the false impression that the offer of compromise in satisfaction of all claims, made by (Rufus) King (see above, King to Clay, January 27, 1826), was invited by the British Government. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in American State Papers, Foreign Relations, VI, 747-48.

APPLICATIONS, RECOMMENDATIONS

April 17, 1826

Thomas H. Benton, Senate Chamber, encloses, with the comment that "the applicant is honest and capable," a letter he has received from Josiah Spalding, St. Louis, who anticipates the resignation as district attorney of Edward Bates, a candidate for Congress, and solicits appointment to fill the vacancy. ALS. DNA, RG59, A. and R. (MR3). Spalding, a lawyer active in civic affairs, did not replace Bates, who did resign later in the year.

Josiah Spalding, St. Louis, recommends James H. Peck, to be one of the judges if the judiciary bill passes Congress. ALS. Ibid. (MR1). Cf above, Hammond to Clay, January 4, 1826. note.

DIPLOMATIC NOTES

April 18, 1826

To the Baron de Mareuil. Acknowledges receipt of "The liberal proposals contained in" his note of March 23; states that the (five) institutions in the United States for the deaf and dumb, located in Connecticut, Philadelphia, New Jersey, New York, and Kentucky, "will no doubt avail themselves of those proposals if necessary." Points out that, since they were founded by State governments or by individuals, there is no Federal statute such as he requests. Promises to transmit a copy of Mareuil's note to each institution and to send him the statutes as soon as they can be procured. Copy. DNA, RG59, Notes
to Foreign Legations, vol. 3, pp. 261-62 (M38, R3). ALI draft, in CSmH. The Connecticut, New York, and Kentucky institutions have been previously cited in these volumes. That at Philadelphia, denominated the Pennsylvania Institution for the Deaf and Dumb, had been organized in 1820, as an outgrowth of a private school; it had received its first State appropriation in 1821. The New Jersey Legislature had provided in 1825 for the establishment of such an institution; but none was organized until the founding of the New Jersey School for the Deaf at Trenton in 1882, the State meanwhile paying for education of its deaf children at the schools in New York and Pennsylvania.

INSTRUCTIONS AND DISPATCHES

April 18, 1826

From Alexander H. Everett, Madrid, no. 32. Transmits copies of three answers received to notes addressed to the Spanish Government "on subjects of no great importance"; reports having "learned with some surprise that this Government contemplate the building of several ships of war at New York"; notes with regret that "Mr. Colt of Baltimore who has passed the winter here on his private affairs, has . . . undertaken to serve as an agent in this business"; refers to the dissatisfaction of "The clerical party," which considers "the prevailing system [in Spain] . . . too moderate"; asserts that this party will probably succeed in forcing "the abdication of the King [Ferdinand VII] in favour of his brother, the Infante Don Carlos," which will bring further repression, then "a violent reaction on the part of the nation," and "the establishment of a representative Government." Adds that he is "preparing a note to be addressed to this Government on the subject of the indemnities . . . ." LS. DNA, RG59. Dip. Disp., Spain, vol. 25 (M31, R27). Received June 22. On the issue of Spanish indemnities, see above, Clay to Everett, April 27, 1825. "Mr. Colt" was probably Roswell Lyman Colt, holder of a Spanish grant to lands in Arkansas and a claimant for indemnity for French spoliations to American commerce prior to 1800.

From George W. Slacum, Buenos Aires. Transmits copies of correspondence (in late January and early February, 1826) between himself and John M. Forbes relative to "the detention of the certificate of Registry of the American Schooner Hazard" in the consular office; encloses additional documents bearing on the case, including a clipping "from the paper of yesterday" which reveals that the vessel "has actually arrived . . . [down river from Buenos Aires] with a cargo of Brazil produce from Rio de Janeiro! consigned to a Native of this place, one of a large company of Speculators"; predicts "that the Hazard will be employed in this traffic during the war between this Government & Brazil, and that thus the American flag will be prostituted to the views & interests of foreigners"; charges that the vessel did not make "the voyage indicated by the Memorial" (to Forbes from Dana and Carman, merchants in Buenos Aires, consignees of the Hazard) but went to Rio instead; and requests an opinion on the case. ALS. DNA, RG59. Cons. Disp., Buenos Aires, vol. 2 (M70, R3). Received July 10. The enclosures reveal that Slacum had held the papers of the Hazard on suspicion of a sale of the vessel and that, on February 6, 1826, he had released them in conformity to an "official opinion" of Forbes. The schooner Hazard, built at Salem in 1798, had sailed for South America under Plymouth registry. The issue now posed concerned whether the vessel had been sold to foreign registry or whether, under charter, she was yet entitled to the protection of the American flag while trading through the Brazilian blockade. Dana and Carman, not further identified.
To Francis T. Brooke

My Dear Sir.

Washington 19th. April 1826.

I duly recd. your kind letter of the 12th. inst. Prior to my going out on the affair to which it refers, the only letter I wrote about it was addressed to you, and put into the hands of Genl. Harrison, to be forwarded on a contingency which did not happen. In that letter, which he still retains, I briefly assigned the reasons which determined me on the course I took. The circumstance, which most embarrassed me, was the opinion which is entertained by some, as to the state of Mr. Randolphs mind. But I thought I ought not to be governed by that opinion which was opposed by the recent act of my native state electing him to the Senate. As for the future, it must be left to itself, Most certainly, I should reluctantly engage in any similar affair.

Will you not come and see us this Session? I should be glad if you would come up and pass some days at my house. On Wednesday next, I expect some Company to dine with me, as I generally do on that day of evry week. Suppose you be of the party, and take your lodgings with me? My family is very small, and we have several spare bed-rooms. I am sincerely Yrs

H. CLAY—

The Hon F. Brooke

Copy. DLC-TJC (M212, R13).

1 Not found. 2 The duel with Randolph. See above, Randolph to Clay, April 1, 1826, note. 3 Not found. 4 William Henry Harrison.

To Charles Hammond

My dear Sir.


The pressure of business and other causes have prevented my oftener writing to you. The receipt of your obliging letter of the 7th. inst. just come to hand will not permit me longer to defer that pleasure.

As to the association of our names, I have seen nothing to wound me. I was provoked with a little article smuggled into the N.I. under the editorial head (I understand by the P.M. General) casting an indirect reflection on you, as the assumed author of a certain letter. 1

The Panama articles in the Liberty Hall are able and highly useful. The remarks on Slavery are fully justified by the course of Mr. Randolph &c. Still it is a subject on which there should be mutual forbearance, and perhaps most on the side of the Non-slavery holding states, as the stronger, safer and happier party.

You will have seen that I have had an affair with Mr. R.4 His
assaults were so gross repeated and unprovoked that I could not longer bear them. I rejoice that no injury happened him. I regret only that the religious and moral part of the Community will feel themselves offended. Submission, on my part, to the unmerited injury, I can only say, would have rendered existence intolerable.

Trimble\(^5\) is nominated Judge, and I suppose will be approved. There will be great difficulty in respect to the selections for some of the other circuits, if the bill should pass in the shape the Senate has put it.\(^6\) There are hopes that it may not. Seeing that Trimble is nominated I hope your quondam friend Mr. Rowan\(^7\) will be content not to deprive Ohio of a Judge. Who that Judge will be if she has one I dare not venture a conjecture. I agree with you that the best and most competent man should be appointed.

Upon the whole this campaign will have passed off in the acquisition of additional strength to the administration. I think its measures have been right; but perhaps it is less indebted for success to their wisdom than to the overshooting violence of the opposition.

Mrs. Clay unites with me in respects to yourself and family.

Your's Cordially & faithfully

H Clay

C. Hammond Esqr

ALS. InU.

1 The Washington *National Intelligencer* article which Clay attributes to John McLean has not been identified.

2 Cincinnati *Liberty Hall and Cincinnati Gazette*.

3 John Randolph. Cf. above, Hammond to Clay, April 7, 1826, note.

4 See above, Randolph to Clay, April 1, 1826, note.

5 Robert Trimble's nomination had been made April 11. See below, Clay to Crittenden, May 11, 1826.

6 On the outcome of the proposed judiciary bill, cf. above, Hammond to Clay, January 4, 1826. In addition to joining Ohio and Kentucky in one circuit (see above, Clay to Crittenden, March 10, 1826), the Senate amendments projected separate circuits for Indiana, Illinois, and Missouri, for Tennessee and Alabama, and for Mississippi and Louisiana, and required that the justices presiding over each of them "shall reside therein." *Register of Debates*, 19 Cong., 1 Sess., 409, 571.

7 John Rowan.

To Charles R. Vaughan

The Right Honorable Chas. R. Vaughan  Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

Sir,  Department of State. Washington, 19. April 1826.

Although there is not much utility in prolonging the correspondence recently commenced between us, if, as I have understood you, the instructions which you have received from your Government are restricted to the single object which you communicated in your former note,\(^1\) to prevent any misinterpretation of my silence, the note which you did the honor to address to me on the 17th. instant demands some remarks.

Far from being disposed to expand the powers of the Commissioners under the Convention of St. Petersburg, the Government
of the United States only desires a strict and faithful execution of its positive stipulations. It cannot consent that one party, in a tribunal so constituted that the voices of both ought to be equally heard, should assume the sole power of deciding any particular case under its examination. Such an assumption would have been inadmissible, if the Convention had not foreseen the possibility of a disagreement between the two members of that tribunal; but anticipating the contingency, it has, with a wise forecast, made ample provision for it. That provision is a reference to the arbitration of the Convention of their disagreement upon any question resulting from its stipulations. In the refusal, therefore, to refer the question of interest and the other questions on which the Commissioners have divided, to arbitration, the Government of the United States has seen, with regret, an attempt to contract the stipulations of the Convention within limits inconsistent with its plain and manifest import. The Convention expounded according to its true intention, carries within itself the means of its certain and unobstructed execution. When the Commissioners happen unfortunately to disagree, in any case under their consideration, the remedy is specified. But if the Government of the United States could acquiesce in the course which has been pursued, the effect would be to remit the parties back to the state in which they stood, when the appeal was made to the umpirage of the Emperor of Russia, and to revive discussions which, having then led to no reconcilement of their views, were supposed to be terminated by the Imperial decision, and the Convention made to give it complete operation. If, as you suppose, the number of instances is not great in which the British Commissioner has refused to consent to the reference to the arbitration of the Convention, one of them, nevertheless, comprehends every claim to indemnity which can arise under the Convention, and another includes all the slaves belonging to citizens of Louisiana, to which the highest average price has been affixed. What may be the future course of the British Commissioner can only be anticipated from the past. And the American Government is not prepared to express its willingness that the execution of the Convention should proceed upon the unequal condition of allowing that the British Commissioner may, at any moment, arrest its progress, by interposing his refusal to give effect to the fifth article. But it is prepared to say, and I am directed by the President to repeat to you, that the American Commissioner is ready diligently to proceed with the labors of the Commission, and, in the event, which has happened, and which, unfortunately, may again happen, of the two Commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of the Convention, to cast lots for an arbitrator.
in the mode for which it expressly provides. And the hope is yet indulged that the British Government, faithful to its solemn engagements, and respectful to the memory of the august and lamented personage out of whose decision they sprung, will concur with that of the United States in communicating to the Commissioners the wish that they would refer all cases of disagreement. But if, His Britannic Majesty's Government should adhere to the declaration which you have announced, I must then repeat the enquiry contained in my last note, whether the British Government means to assert, as a general principle, that the British Commissioner has a right, in all cases of disagreement between him and his associate, to refuse his concurrence to the appointment of an arbitrator; and, if not, what is the principle for which they do contend with its limitations? And also whether they mean to justify his so refusing in cases of disagreement which have actually occurred other than that on the point of interest?

My former note was not intended to convey the idea that a compromise was invited, in the first instance, by the British Government. But it was intended to say, and the correspondence between Mr. Canning and Mr. King fully bears out that the British Government did expressly invite the American Minister to specify a sum which would be satisfactory to the United States by way of compromise. He promptly, and without condition, suggested a sum. And I must continue to think that a spirit of frank and friendly negotiation required that, in rejecting as inadmissible the sum so specified, the British Government ought to have stated a sum which would correspond with its own views.

I have the honor to renew assurances of my distinguished consideration.

H. Clay.
been most usual in the case of the transfer of a Minister from one Government to another, and by considerations connected with the importance of the Mission, the place where the Congress is to be held and unavoidable expenses [sic] which may be incurred in the interchanges of civilities and hospitality, which may be more frequent among the Ministers who attend the Congress, in consequence of the place not being the seat of any Government.” Notes also that, for the health of its participants, the Congress may need to be moved to another site.


From LANGDON CHEVES, “Board of Commissioners under the Convention of St. Petersburg.” Cites, as authority on the disputed point of interest (see above, Cheves to Clay, April 26, 1825), the opinion of Sir John Nicholl, “now a high law Officer of the British Crown,” who, when “one of the British Commissioners” under Article VII of the Anglo-American Treaty of 1794, said in relation to a similar question: “To reimburse the Original Cost of their property and all the expenses they have actually incurred, together with Interest on the whole amount, would I think be a just and adequate compensation.” Notes that Nicholl added: “This I believe is the measure of compensation Usually made by all Belligerent Nations and accepted by all Neutral Nations for losses Costs and damages occasioned by illegal captures.” Points out the application of this principle to the interpretation of the St. Petersburg Convention. ALS. DNA, RG76, Great Britain—Treaty—December 24, 1814, G.B. 9, folder 8 (M NP65-28, R1).

Under Article VII of Jay’s Treaty of 1794 with Great Britain, that country and the United States had agreed to compensate their respective nationals for damages incurred during the contemporary British-French conflict by capture and condemnation of vessels—the British “under colour of authority or commissions From His Majesty” and the Americans as privateering operations conducted “within the Limits and Jurisdiction of the States” or “by Vessels originally armed in Ports of the said States,” Miller (ed.), Treaties, II, 252-53.

Nicholl, born in Scotland, educated at St. John’s College, Oxford, and graduated, D.C.L., in 1785, had been named King’s advocate in 1798, had entered the House of Commons in 1802, where he held a seat until 1832, and from 1809 until 1834 was dean of arches and judge of the prerogative court of Canterbury. In 1833 he became a member of the high court of admiralty and the following year, vicar general to the Archbishop of Canterbury. He had been knighted in 1798.

From L[ouis] McLANE, House of Representatives. Cites inquiries “as to the probable duration of the Congress at Panama, and the continuance of the Ministers of the United States” there; notes an expectation of opposition to the proposal for a full outfit for (Richard C.) Anderson (Jr.); and requests information on these points in order that the Committee of Ways and Means may “be prepared to answer these inquiries and sustain the Bill as reported. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64).

From S[amuel] Smith, “Capitol Hill.” Requests a passport for the grandson of William Patterson, Edward Patterson, Jr., 21 years of age, who intends sailing for Europe on the ship with (Christopher) Hughes. ALS. DNA, RG59, Misc. Letters (M179, R64). The young man was probably, in fact, Jerome Napoléon Bonaparte, Patterson’s grandson, now age 21, who sailed for Europe in May, 1826, on the William Penn, along with Hughes, under great secrecy, to visit his father, Jerome Bonaparte. For references to this journey, see Elizabeth

On April 20 Daniel Brent sent Smith “a passport in blank for Mr. Edward Patterson . . . , to be forwarded to him.” Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 304-305 (M40, R19).

From [MARTIN] VAN BUREN. Requests Clay’s attention to an enclosure (not found). AN. DNA, RG59, Misc. Letters (M179, R64). On the following day Daniel Brent replied, returning “the letter from Mr. Wm. Campbell to” Van Buren and transmitting with it the dispatch from (Heman) Allen “to which Mr. Campbell refers, and which,” Brent presumes, “contains all the information required in the case of his deceased son.” Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 304 (M40, R19). William Campbell has not been further identified; the son was probably John. Cf. above, Allen to Clay, December 2, 1825.

APPLICATIONS, RECOMMENDATIONS

April 19, 1826

ANDREW ARMSTRONG, Washington, solicits transfer to another position, as consul at Naples or Chargé at Copenhagen. ALS. DNA, RG59, A. and R. (MR1). Cf. below, Clay to Armstrong, June 14, 1826.

FREDERICK SMITH, Reading (Pennsylvania), recommends Philip S. Markley “for the Office of Collector of the port of Philadelphia, which is expected to be vacated soon” (cf. above, Sutherland to Clay, February 13, 1826). Points out that Markley is of German descent “and that the Germans constitute at least one third of the population, and more than one third of the democracy of Pennsylvania, and, are entitled to some proportion of the advantages resulting from the appointment to office.” Adds that the Germans “also possess, at least, one third of the wealth of this State; and, in point of industry, sobriety and integrity, are surpassed by no other citizens of this Commonwealth.” ALS. DNA, RG59, A. and R. (MR3). Endorsed (each, AEI): “The Atto General of Pennsa. Submitted to Mr. Rush H C.” “Respectfully submitted to the President R. R. May 1, 1826.” Smith had been president of the Farmers’ Bank of Reading (1819-1825), was now (1823-1828) the State attorney general, and later became a justice of the Supreme Court of Pennsylvania. Markley, who ran for re-election to Congress in the fall of 1826, was defeated. He resumed the practice of law, succeeded Smith as State attorney general in 1829, and subsequently received appointment under the Jackson administration as naval officer of Philadelphia.

From Sylvester S. Southworth

Dear Sir

Providence R I. April 20. 1826

I have the honor to inform you that your kind note of the 15 Int. [sic]¹ reached me last night, and afforded me much gratification. On Saturday next I shall Commence the publication of a Newspaper to be intituled the “Literary Cadet”,² which of course so far as it participates in National politics, will be devoted to the interest of the Secretary of State. I shall do myself the honor to furnish you
April 20, 1826

a copy. Your late affair with Mr Randolph,\(^3\) has been a source of sincere regret among your friends, not because they deprecate the steps resorted to in defence of your reputation, but because they fear it may possibly affect your ultimate prospects. I shall exert my energies to do away the prejudice the transaction will Create in this land of anti-duellists, and strain every nerve to Convince the people that you were provoked to the Combat by the vilest and most infamous scurrility [sic] and abuse of your unprincipled opposers. Popular opinion seems to prevail in your favour in New England with reference to the duel, yet it is hard to make the New Englander believe that there is not something horrible in the practice of duelling—

It is my opinion, that it will be best to say but little about the duel, but to attack the opposition for their shameful deportment, and infamous abuse with all the ability we possess. “The Literary Cadet” which I shall furnish you will Contain an article on the subject, and I hope it will meet with your approbation. —Whilst Connected with this press, I shall ever be at your service, and shall implicitly Comply with any suggestions you may be pleased to make.—

I am rejoiced that Mess Pearce and Burgess\(^4\) have spoken [sic] of me in terms of Commendation, as it will give you an earnest that some confidence may be placed in my worth and integrity:—

From the moment of my acquaintance [sic] with public men, I have identified myself with your cause, and shall be proud to espouse it to the last moment of my existence—

I ask no other reward for my services, than that which I may receive in the gratifying reflection, that I have had the honor of the friendship, and of advocating the cause of the ablest of American Statesmen.—

I fear that from your ignorance of my character you have hertofore [sic] suspected my sincerity, and now that you know something of me, I hope and devoutly pray that I may Convince you that whilst I pride myself in having the honor to be your obedient Servant, that I am your humbl friend Sylvestor S Southworth

I must apologise for this hasty scrool [sic], and for its defects solicit your indulgence, as I am activly [sic] engaged in revising a proof sheet.—

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay. Southworth, whose residential ties remained with Providence for at least the next decade, appears to have been somewhat unstable in his journalistic alliances. Cf. Adams, Memoirs, IX, 311.

1 Not found.
2 The journal remained under Southworth's editorship for only a year, whereupon it was combined with the Rhode Island Statesman and continued under joint title, with new management, until January, 1829. The original title was dropped in subsequent mergers. Cf. below, Southworth to Clay, June 12, 1826.
3 See above, Randolph to Clay, April 1, 1826, note.
4 Dutree J. Pearce; Tristam Burges.
DIPLOMATIC NOTES

SECRETARY OF STATE

April 20, 1826

To the Baron de Mareuil. Acknowledges receipt of his note of April 9 concerning the Chilian; expresses gratitude to captains of the French vessels which aided in the rescue and relief of her crew. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 264 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

April 20, 1826

To Samuel D. Heap, “appointed Consul U.S. at Tunis.” Notes that his commission and credential, as consul at Tunis, to succeed Charles D. Coxe, have already been delivered and that a letter of credit on “Baring Brothers and Company” is being forwarded. Instructs him to inform the Bey (Hassein) of the President’s wish to cultivate friendly relations “between the two Governments”; to be guided, in selecting “the customary presents, to be offered” upon his presentation, by “the prevailing taste at Tunis” and to “keep strictly within the limits prescribed by the law of 1810.” States that he is authorized to pay $400 to Ambrose Allegro for “his long and faithful services to the United States at Tunis in various ways...”. Informs him of the intention of the President to send to each of the consuls in the Barbary states a young American to learn languages and to prepare himself to be useful to his “Country in its relations with all the powers on the Mediterranean and Levant.” States that he will be informed concerning the person selected for Tunis. Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 389-90 (M78, R2). Under the act of May 1, 1810, consuls of the United States on the Barbary Coast were forbidden to pay more than $3,000 “in any one year” to officers of any one of those powers. 2 U.S. Stat., 608.


To Henry Middleton

No. 3 Henry Middleton, Envoy Extraordinary and Minister Plenipotentiary U. States to Russia.

Sir. Department of State Washington 21 April, 1826.

Since my last, under date the 26th. of December, your Dispatches to No. 54 with private Letter of 7th. January, have been received. From these, as well as from other sources, we have obtained intelligence of the death of the Emperor Alexander, and of the succession to the Russian throne of the Grand Duke Nicholas. Those events are also communicated in an autographical Letter addressed by the new Emperor, to the President, to which I now forward his answer to be presented by you. On delivering it, and your Letter of credence, which I now also transmit to you, I am charged by the President to direct you to express the deep regret which is felt
by the people of the United States, and their sincere sympathy with the Russian Nation, on account of the lamented event which has recently happened. During the reign of the late Emperor, the United States experienced signal instances of his friendship, and throughout the whole course of it, the relations which subsisted between the two Countries were most amicable and happy. In the annunciation which the present Emperor has made of his purpose to pursue, in respect to Foreign Powers, the same line of policy which his predecessor had marked out and adopted, the Government of the United States finds consolation from the hope that the Emperor Nicholas will cherish towards them the same friendly sentiments, and will co-operate in the endeavour which will be earnestly employed here to maintain in their full vigour, and, if possible, to give additional Strength to those relations.

The Baron de Tuyll took his departure a few weeks ago, and has since left the United States, under the leave of temporary absence [sic] which he obtained from his Government. During the period of his ministry, his conduct has been uniformly conciliatory, respectful, and satisfactory, to the Government of the United States. You will add to the expression of the friendly impression which he has left, that of sincere regret which is felt on account of the precarious State of his health which rendered necessary the suspension of his official intercourse with this Government. We have reason to anticipate, from our knowledge of the Baron de Matitz [sic], to whom he has confided the charge of the affairs of the Legation, that his deportment in the execution of it will be entirely agreeable and unexceptionable.

We have not yet heard of the definitive decision of the Republics of Colombia and Mexico, on the application made to them, respectively, by this Government, to suspend any expedition meditated against the Spanish Islands of Cuba and Porto Rico. A principal object of that suspension, you will recollect, was to afford time to ascertain the effect produced on Spain, of the operation of those pacific Counsels which we were led to believe the late Emperor would give at the instance of this Government. The necessary time for that purpose has been, in fact gained, whatever their decision may be, and no expedition is yet understood to have sailed from the Ports of either of them, against those Islands. You will, therefore, represent to the Russian Government the just expectation which, after all that has happened, is entertained by the President, that they will use their best exertions to hasten the conclusion of peace. We have not been informed, from Madrid, of any efforts on the part of Russia to that end. In truth, the tenour of Mr. Everett's despatches is, that the Russian Minister accredited to Spain, has
employed no activity in the cause of Peace, if he has not lent his
countenance to the further prosecution of the war. Whatever, in
that respect may have been his conduct, no favourable change has
yet been wrought on the Spanish Government, which, at our last
dates from Madrid, does not appear to have been prepared to
resolve on peace. You will ascertain from the Russian Government
what has been done by it on that subject, if any thing, and what
it conceives to be the prospects in future. You will have received
information of the surrender to the Mexican Republic of the Castle
of St. Juan de Ulloa. I have now to add that of the fall of the
Castle of Callao, which capitulated to the arms of Colombia and
Peru, and the reduction, by those of Chili, of the Archipelago of
Chiloe, of which intelligence has just reached us. Thus the pre­
dictions contained in my note of the 10th. of May last, continue
to be progressively verified, and the war is every day more and
more changing its character, and becoming, as to Spain, altogether
defensive. That with respect to Cuba and Porto Rico remains to
be fulfilled, but its ultimate accomplishment, and that at no very
distant day, is inevitable, in the course of events, if the war is not
ended.

The new Republics, far from being intoxicated by their signal
successes, appear to desire peace more and more, as they multiply.
I received from the Colombian Minister an official Note, under date
the 19th. Ultimo, requesting the good offices of this Government to
procure a suspension of hostilities for a term of ten or twenty years.
By the direction of the President, I returned an answer, acceding
to the request, if peace should be unattainable in a more acceptable
form, and on the 13th. day of this month, I addressed a note to
Mr. Everett instructing him to urge Spain to agree to the proposed
armistice, if she were not prepared to subscribe to a general peace
on the basis of acknowledging the Independence of the new Re­
publics. I now transmit you copies of these three several notes,
with the direction of the President that you will invite the co­
operation of Russia to put an end to hostilities, in this limited form,
if the object shall have been found in the mean time impracticable
on that more extensive basis.

The Commission under the Convention of St. Petersburg, to carry
into effect the decision of the Emperor Alexander, on the controversy
between Great Britain and the United States, growing out of the
Treaty of Ghent, has proceeded but slowly. Its progress, indeed,
for a year past, has been altogether arrested, and there does not
appear, at this time, much prospect of its being again speedily put
in motion. The cause of this suspension of its proceedings is the
refusal of the British Commissioner to refer certain points of dis­
agreement between him and the American commissioner to arbitration, as is provided in the fifth article of the Convention. The principal points on which they have differed are—1st.—That of interest. The American Commissioner thinks that the just intentions of His Imperial Majesty's decision will not be fulfilled unless interest be allowed as a part of the indemnity to be awarded to each claimant, for the value of his property taken away in contravention to the Treaty of Ghent, from the time of its deportation. The British Commissioner not only thinks that no interest ought to be allowed, but he has even refused to cast lots for an Arbitrator to decide the question. And 2ndly—The Louisiana slaves were on the Island of Dauphin, in the Bay of Mobile, upon the exchange of ratifications of the Treaty of Ghent. The British Commissioner thinks that no allowance ought to be made for those slaves, on the extraordinary pretence that Dauphin Island, at that time, did not belong to the United States but to Spain, as a part of the Province of West Florida. The American Commissioner has offered to refer the question to Arbitration, and even that is refused by the British Commissioner. We have just learned, with equal surprise and regret that his Brittanic Majesty's Government approves of the conduct of their Commissioner in refusing to refer the question of interest. Whether it likewise approves of it in regard to Dauphin Island we have not yet been able to elicit. A correspondence has just taken place between Mr. Vaughan, the British Minister, and myself, in the course of which he was informed that the American Commissioner would refer every question of disagreement that had occurred, or might subsequently arise, between him and his associate, to the arbitration of the Convention, but that this Government would not consent that the Sole and separate decision of the British Commissioner should be conclusive in any case of disagreement between the Commissioners. Thinking it probable that some enquiry may be made of you by the Russian Government, as to the execution of the Commission, it is thought proper to put you in possession of these circumstances. If, indeed, the British Government should persevere in the sanction which it has given to the conduct of their Commissioner, it may become necessary, in the sequel, again to refer to the friendly mediation of Russia. And, looking forward that as not an improbable issue of the affair, it may not be amiss for you, upon some suitable occasion, to communicate the present state of the Commission.

You will urge the execution of the arrangement made last spring, between Baron Tuyl and me, respecting the case of the Pearl. Any delay in carrying it into effect was not anticipated. If the death of the late Emperor, and subsequent events, account for the larger
portion of that delay, no sufficient reason can now be perceived for extending it further.

I have communicated to the President the wish expressed in your private letter,15 to be transferred to some other Government. It would afford him gratification if the public considerations which he feels himself bound to weigh, would admit of his compliance with it; but they do not, in his judgment, allow of such transfer. In regard to the temporary absence which you desire, he consents that, provided it does not exceed four or five months, you may absent yourself from the Russian Capital. Without some more urgent reasons than he is aware of he does not think it would be right that you should avail yourself of that permission, to return to the United States. A Minister, he thinks, ought not to leave his post to come home on furlough, without strong necessity. Your own reflection will suggest the same views of public duty which the President has taken; and your knowledge of his personal good feelings towards you will direct that you place his decision to the proper account. If you should determine to avail yourself of the limited permission now given, you will take care that your absence from St. Petersburg or from Russia shall be at a season when the public interest will be least likely to suffer by it.

I transmit, herewith, the messages of the President to the Senate and to the House of Representatives, with the accompanying documents, respecting the Congress at Panama.16 They will enable you to make the necessary explanations to the Russian Government as to the motives which have guided this Government in accepting the invitations addressed to it, to send Ministers there, and also to assure that Government that the measure has been taken without any intention, whatever, to vary the neutral and pacific policy which the United States have, heretofore, observed, and to which they mean strictly to adhere.

I have the honour to be your obedient Servant. H. CLAY.
From John Binns

Dr Sir,  

Phila. April 21, 1826.

Excuse me if I occupy a few minutes of your time. I know its value and will be brief as possible. The subject may appear trivial but in my eyes either as to its effect on public opinion in Penna. or its value to me, it is of some importance. My friend Mr. Markley informed me you would take an interest in obtaining for me the printing of the Post Office in this city and it is to apprize you of a fact connected with that subject I address you.

Some days, perhaps three weeks, ago a personal friend of mine, one who has the ear of the Post Master Genl., was in this city, on his way to Washington. I mentioned to him that I wished he would take occasion to mention this subject to the P. M. G. Relying as I do on the address and good intentions of my friend, I waited for his letter with some anxiety. I have got it and from it I give you, in confidence, a paragraph, which will assist in displaying the feelings and dispositions of the P M. G.— “I have had a conversation with the P M. G. on the subject intrusted to me. It was held at a well timed moment of leisure and good feelings. I warmly, as your friend, urged the change of printers, adverted to the change of printers in your city as to the U. S. laws and pressed every thing into the service that I could think of. He heard me with patience and attention but at length made me what I regard as a foreclosing reply—he said “I hold it as a principle, I make it a rule, never to assume to influence a Post Master for, or agst. patronising the Printer he may choose to select.”

This is either strictly true or otherwise: in either case it seems conclusive so far as I am concerned. If it be true as a general rule he will rest upon it; and if it be not true it was adopted to put aside the arguments of my friend. I give it to you Sir, as it is given to me; assuring you I have no doubt whatever of its accuracy.

I shall put this under cover to Mr. Markley who will do me the kindness to take it to you to the end that he may cooperate, as I am sure he will be very willing, in any scheme you may devise to set aside the hostility of the P.M. and the P M.G. Allow me to say that I feel convinced the sooner the change is effected the better it will be. The public mind in Penna. has changed, is changing and ought to be propelled in its change.

H Clay Esqr.  

Yrs. very Respectfully  

JOHN BINNS.

LS. DLC-HC (DNA, M212, R2).

1 Philip S. Markley.  

2 John McLean.  

5 Richard Bache.
From George Garnett

Harrison County Kty April ye. 21st. 1826

Honored Sir. as an humble and poor Citizen of you [sic] State I take the liberty of requesting a favor of you. I hope you will pardon this freedom— About the year 1810 a Brother of mine Obadiah Garnett1 died in Fairfax Ct. Virginia [sic] possessed of a Small Estate and no Heir nor ever had been Married. In course I became [a] legatee to his Small Estate And I have reason to believe he possessed Considerable Stock in the Bank of Alexandria2 and would be glad to ascertain the fact, You Sir would Confer a great favor on a poor Man (If Compatable [sic] with your Ardurous [sic] duties) To examine and let me know by a line directed to Cynthiana P. O Harrison County to the Subscriber who would ever gratefully remember your Condescension &c &c.3

With Sentiments of the highest respect I Subcribe [sic] myself yours &c

To the Hon H. Clay Secy State

GEORGE GARNETT

ALS, DNA, RG59, Misc. Letters (M179, R64). Garnett had come to Kentucky from Culpeper County, Virginia. 1 Not further identified. 2 Founded in 1792. 3 After inquiry, Brent, on May 27, "by direction of" Clay, replied to Garnett, enclosing the desired information. DNA, RG59, Dom. Letters, vol. 21, pp. 319, 327-28 (M40, R19).

INSTRUCTIONS AND DISPATCHES

April 21, 1826

To Charles D. Coxe, "appointed Consul U.S. to Tripoli." Transmits his commission as consul at Tripoli, his credential letter, a letter of credit, and instructions relative to promoting friendly relations with the Bashaw and the selection of the customary present. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 391 (M78, R2). Dated "April, 1826." Yusuf Karamanli (Jussuf Caramanli) was Bashaw of Tripoli from 1796 to 1835.

To Charles D. Coxe, "Consul U.S. Tripoli." Notes the intention of the President to send to each consulate in the Barbary states a young American to learn languages and prepare himself for future usefulness in that part of the world. States that the person selected for Tripoli will be announced subsequently. Copy. Ibid., p. 392.

MISCELLANEOUS LETTERS

April 21, 1826

From Beverley Chew, Collector's office, New Orleans. Transmits protest of John B. Passiment, master and owner of the brig Velocity, of New Orleans, "detailing the wanton & cruel treatment received by him & his crew at the hands of the Constituted authorities at Campeachy." ALS, DNA, RG59, Misc. Letters (M179, R64). Chew, son of John Chew, was collector of the port of New Orleans from 1817 to 1829.

From Thomas R. Mercein, New York. Transmits a memorial (not found) "relative to the capture . . . of the American Ship Hope & Cargo," taken (in
1814) "in the neutral Port of Buenos Ayres" by a British frigate "and eventually condemned in London"; requests the aid of the United States Government in pressing the claim against Buenos Aires; inquires "what course ought to be pursued. . . ." ALS. DNA, RG76, Misc. Claims, Buenos Aires. Mercein, later for some time a member of the New York Legislature and comptroller of the City of New York, was attorney for the owners of the Hope, Mrs. Mary M. Ward (not further identified) and others.

On June 30, 1826, Brent, "by direction of the Secretary," wrote to John M. Forbes, transmitting a copy of the memorial and of Mercein's letter of April 21 and stating that it was "the wish of the Secretary" that Forbes "should take an early opportunity of presenting this case to the consideration of the Government of Buenos Ayres. . . ." Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 144-45 (M77, R6). On the same date he wrote to Mercein, stating that the letter to Forbes was enclosed "under a flying Seal." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 346 (M40, R19).

**From Thomas B. Robertson**

Dear Sir

Magnolia near Baton Rouge 22 April 1826

It is rumoured at New Orleans that Porter¹ is to be appointed to the bench of this Circuit²—He is to be Lieutenant and I (God save the mark) his ancient.

Bouligny³ wishes to make a vacancy in the supreme court of the State that it may be filled by Derbingy,⁴ and Johnston,⁵ whose course through life has been Equivocal, who said in presence of Durald⁶ that he preferred Jackson as president—who is now nominated by Jacksons paper as a candidate for the place of Governor, is the supporter of the modest Irishman and my enemy. I call upon you in the name of propriety, and of that friendship which for so long a time has existed between us, to shield me from the humiliation of being postponed by my Government to a foreigner, one, whom I never looked upon as a rival, whom I raised from the low station of pettifogger at a parish court Bar, and who now, with characteristic modesty and gratitude, uses the consequence I gave him, to put me down. But I cannot believe that the machinations of my personal Enemies can prevail, where you have power to prevent it.

I have decided, as Judge of the district Court, more than three hundred cases, there has been but one appeal (& that will probably not be carried up) from my decisions—a strong proof of their correctness in the opinions of the Bar; Why then am I to be superseded by a stranger in the Land, & a junior in the profession, one unknown to that govt., in which I have sustained a part, however humble, satisfactory to the public and gratifying to my friends— It is not, I repeat, the office I seek I seek to avoid an undeserved injury, or rather (for the phrase is incorrect) an unmerited mortification with sentiments of sincere respect and friendship  

Yr. ob. St  
Hon Mr Clay  

TH B ROBERTSON
DIPLOMATIC NOTES

April 22, 1826

To the Baron de Maltitz. Acknowledges receipt of his note of April 7; states that he has presented the enclosure to the President, who directs him "to say that an answer will be transmitted to the Emperor Nicholas through the Minister of the United States at the Court of St. Petersburg" (Henry Middleton). Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 264 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

April 22, 1826


From William Taylor, Veracruz. Notes a local belief that France is helping Spain "fit out an expedition against Mexico"; the arrival of a French "Commissioner" (Alexandre Martin), who, with the captain of the frigate which brought him, has gone to "the Metropolis"; and his (Taylor's) belief that their objective "may be the appointment of Commercial Agents" or something more serious "—and it is much to be feared they will be listened to with Complacency by . . . vain, imbecile . . . and Corrupt Counsellors." Cites the "wretched Condition" of the Mexican Navy. States that "3000 men thrown suddenly into this place, would get possession of the Castle [San Juan de Ulloa] in 10 days—by starving them out." Reports "that the 'vomito' [yellow fever] has already made its appearance in this city," although shipping remains healthy. ALS. DNA, RG59, Cons. Disp., Veracruz, vol. 1 (M183, R1). Received May 16.

MISCELLANEOUS LETTERS

April 22, 1826

From Dominick Lynch, New York. States that, in accordance with his views, already presented to Clay, relative to claims against France, he has communicated with various insurance companies and will apply to others, seeking authority to act in their behalf. Declares that he will "do nothing in Paris" without the approval of (James) Brown and requests Clay's aid. ALS. DNA, RG76, Misc. Claims, France. No earlier letter from Lynch to Clay has been found.

APPLICATIONS, RECOMMENDATIONS

April 22, 1826

William Wirt, Washington, encloses a letter from (Philip) Harrison, "a distinguished member of the bar of Fredericksburg and a warm and decided friend of the present administration," recommending an appointment for (William A.) Linton; adds that "If anything can be done for Mr. Linton . . . the favor, in obliging him and Mr Harrison will oblige a strong party of the President's warmest friends." ALS. DNA, RG59, A. and R. (MR3). Harrison,
originally of Prince William County, later became prominent as a Richmond lawyer. Linton had been collector of customs and inspector of the revenue for the port of Dumfries, Virginia, from 1812 until 1824, when he had been replaced.

**DIPLOMATIC NOTES**

April 24, 1826

To the Baron de Maltitz. Acknowledges receipt of his note of April 13; cites the friendly relations between the United States and Russia during the reign of Alexander I, whose "memory will ever be cherished by the people of the United States with the highest respect"; notes with satisfaction that Nicholas I is resolved to continue the policy of his predecessor toward the United States; gives assurance "that corresponding dispositions exist here. . . ." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 265 (M38, R3). ALI draft, in CSmH.

**MISCELLANEOUS LETTERS**

April 24, 1826

From Amos Clark, Evansville (Indiana). Acknowledges receipt of Clay's letter of December 26 (1825); encloses copies of the Evansville Gazette as evidence that (Elisha) Harrison transferred his interest in the paper to (William) Monroe, who later sold it to Thomas Evans; requests, if this evidence is not "sufficient to justify the payment of the money to Mr. Evans," that Clay inform him "what Steps or evidence will be" required; asks that he be addressed at New Harmony, Indiana, where he will hereafter reside. ALS. DNA, RG59, P. and D. of L. Endorsed: "In conformity with the Secys. directions, this letter was not answered—W[illiam] B[rowne]." On December 26, Browne had informed Clark that no documents received in the Department of State indicated "that Mr. Evans has, or ever had, any concern whatever in the property of the Gazette," that no notice had ever been filed, "as formally required by the printed Instructions," indicating Evans' "direct or indirect interest in the Establishment." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 229 (M40, R19).

From H[enry] W. Dwight, H. R. Asks, on behalf of the Ways and Means Committee, what evidence the State Department has "tending to Shew that the discriminating duties of Tonnage &c upon American Vessels in the Port of Hamburg were repealed as early as March 1815." ALS. DNA, RG59, Misc. Letters (M179, R64).

Daniel Brent replied, "by direction of the Secretary," on the following day, citing "a Certificate of the Burgomasters and Senate of the free and Hanseatic City, of Hamburg, dated Ist. May 1820," which contained the desired evidence. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 306 (M40, R19). On the same day, April 25, Dwight, for the Committee, reported a recommendation that the owners of vessels entering United States ports from Hamburg be reimbursed for excessive fees, amounting to $26,373, collected between March 3 and November 13, 1815. House Reports, 19 Cong., 1 Sess., no. 176. The latter date, at which time the Senate of Hamburg had formally announced to American authorities the repeal of discriminating duties, had been established under a circular of the United States Treasury Department for initiation of the removal of American countervailing duties. A petition on behalf of Hamburg shipowners now contended that Hamburg had not, in fact, imposed restrictions against American vessels at the date, March 13, 1815, when the countervailing legislation had been enacted by the United States (3 U. S. Stat., 224). Cf. below, Buck to Clay, June
APPLICATIONS, RECOMMENDATIONS

April 24, 1826


From Josiah Randall

Dear Sir,

Philada. 25th April 1826.

Among the numerous friends who have congratulated you on the result of your recent interview with Mr Randolph,¹ there is no one who tenders it with more sincerity than myself. I am one of those who think the course you pursued was a right and proper one and that any other course would have been injurious to you, and I conceive the result not more felicitous than the steps which led to it.

The disclosures made here as to the Custom House produce a general opinion that a change ought to, and will, take place in the Office of Collector for this port. In such an event taking place, permit me to introduce to your notice my friend Mr. Markley.² I need not descant on his merits, services and influence, they are known to you and will be duly appreciated.

The Hble Henry Clay.

Your friend

JOSIAH RANDALL

ALS. DLC-HC (DNA, M212, R2).

¹ See above, Randolph to Clay, April 1, 1826, note.
² Cf. above, Sutherland to Clay, February 13, 1826, note.

DIPLOMATIC NOTES

April 25, 1826

To [PETER] PEDERSEN. Expresses regret that Pedersen had not been instructed, "in the negotiation which has just terminated," relative to claims for seizures of American property in Danish ports (cf. above, Hughes to Clay, March 19, 1825, note); states that he is directed, before signing "the Treaty of Friendship, Commerce and Navigation, on which they have agreed, explicitly to declare that the omission to provide for these indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States . . ." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 265 (M38, R3). Published in American State Papers, Foreign Relations, V, 907. On the treaty, see below, April 26, 1826.

INSTRUCTIONS AND DISPATCHES

April 25, 1826

From JOSEPH RIDGWAY. Complains of the discriminatory taxation against Americans who seek to remove property from St. Croix. LS. DNA, RG59, Cons. Disp.,
St. Croix (M-T233, R-T!) . Cf. above, Otis to Clay, January 10, 1826. Ridgway, of New York, served as American consul on St. Croix Island from 1824 until his death in 1837.

From W[ILLIAM] TuDOR, Lima, no. 37, "Confidential." Discusses internal political problems of Peru, including postponement of the meeting of the Congress; the desire of "the party attached to the administration" that the Liberator (Simón Bolívar) continue in power for a further period of time; the wish of the opposition that he continue but only as "the constitutional President of the Republic"; the need for "men capable of public trusts"; the tendency of Bolívar to regard "the jarring movements of civil government . . . in the light of military insubordination . . . "; and the execution of (Juan de) Berindoaga (Count de San Donás—see above, Tudor to Clay, February 28, 1826, note). ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R). Received August 23. Copy, in MHi-Adams Papers, Letters Received (MR477). Extracts published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1788-91.

MISCELLANEOUS LETTERS April 25, 1826

From D[avid] A. HALL, Washington. Transmits an assignment and requests "that it may be filed with the papers relating to the claim of John L. Nicklye upon the Colombian Government" in the case of the Paloma (see above, Anderson to Secretary of State, March 18, 1825, note). ALS. DNA, RG76, Misc. Claims, Colombia. In the enclosure Nicklye assigns his claim on Colombia to "Richard Milford Blatchford of The City of New York Counsellor at Law." Hall, a native of Vermont, had served in the War of 1812 and afterwards opened legal practice in Washington. He was a justice of the peace for some fifteen years after 1827.

From EDGAR MACON, St. Augustine. Acknowledges receipt of Clay's letter of April 6; states that he feels "it due to correct principle to declare that" he has "determined not to tender a resignation but submit to the alternative." ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), Territorial Papers, XXIII, 523-24. See below, Macon to Clay, July 7, 1826, and note.

From GUSTAVUS H. SCOTT, "U S. Ship Jno: Adams at sea-south side of Cuba." Explains that he declined "the trip to Omoa Guatemala" because of the expense he would have incurred in chartering vessels needed to carry out the mission; adds that "Midshipman Jno: Marshall" accompanied Col. Wms. [John Williams]" for the purpose of bringing back the treaty. ALS. DNA, Letters from Bearers of Dispatches. Cf. above, Williams to Clay, April 10, 1826.

To Nicholas Biddle

Dear Sir

Washington 26h. April 1826

I have been requested and have promised to endeavor to ascertain if the Bank of the U. States might not be disposed to lend the State of Ohio a million of dollars, or a part of that sum, in order to enable it to go on with its great Canal. The interest which is authorized to be given is six per Cent, or not exceeding that sum,
and I should myself not entertain a particle of doubt of the faithful execution of any engagement which the State of Ohio may contract. The first point of enquiry with the Bank will naturally be whether it is expedient to make such a disposition of a portion of its funds; and, that being affirmatively decided, the next would be the settlement of conditions. I need not allude to considerations, which will readily occur to you, of the moral benefit which would accrue to the Bank from the employment of its means on an object of such great public utility.

I am with great respect Your obedient Servant

H Clay

Nicholas Biddle Esqr

ALS. PHI-Dreer Collection. ¹ See above, Stuart to Clay, March 15, 1825, note.

To James Brown

My dear Sir

Washington 26 April 1826

I am afraid that, finding me an unprofitable correspondent you will become discouraged and discontinue transmitting your valuable letters, of which I have received several since I last wrote you.¹ The truth is that my time is so exclusively engrossed by my official duties that I am absolutely without leisure for the indulgence of private correspondence. This is more especially my condition during the Session of Congress. That body has now fixed the 22d. of next month for its adjournment, and I hope when that wished-for day arrives, I shall be able to command more time. The newspapers, which are regularly sent you from the office, will enable you to acquire such information of the course of events & the passing incidents of the day as to render of less importance the regularity of private correspondence.

I have accepted and shall pay at its maturity the bill which you drew on me,² although you will have 'ere this I presume have [sic] received Baron de Mareuil’s bill which I purchased for five thousand francs [sic] to reimburse the advances you had made for me.³ I shall not redraw for the amount until I hear from you. Mrs. Clay sent to Mrs. Adams⁴ the bill forwarded by Mrs. Brown for articles purchased for her in Paris. She returned a check for $98 82/100 (setting herself the rate of exchanges [sic]) which I have transmitted to Mrs. Price.⁵ We have received this day a letter from Anne who is at New Orleans with her little daughter.⁶ She will remain there until May, when Mr. Erwin proposes to ascend the river and to meet us in the summer in K. She was well, as were also our two little orphan grand children.⁷ Our surviving friends in Kentucky (you have been apprized of the death of Louisa Taylor and Mary Pindell)⁸ were in health at our last dates, with the exception of
Captain Hart's eldest son, who yet lingers in a state of miserable existence.9

Of public affairs I shall not undertake to give you any account of those which the prints will enable you to comprehend. I have no doubt that the present Congressional Campaign will close with augmented strength to the Administration, and diminished weakness [sic] in the opposition. That is undoubtedly the case in the Country at large. And in Congress itself parties are now so consolidated [sic] that the Administration has a small but certain majority in the Senate; whilst in the House its majority is very large. On the final vote upon the Panama question (in the House) it stood 134 to 60.10 No measure could have been more fortunately selected for the Admon on which to ground an Opposition. Towards the North and the West, you may ride many days without meeting a solitary individual disapproving the mission.

The complicated nature of our negociations with England, including the Slave Convention of St. Petersburg, the execution of which is altogether retarded, in consequence of the non currence [sic] of the Commissioners,11 has led the President to desire to appoint an adjunct to Mr. King, whose bad state of health forms an additional motive for the measure. It will be brought forward (Mr. Gallatin is thought of for the service)12 unless there should be strong reason to anticipate that the Senate would not sanction it. I believe, if there had been entire certainty of the continuance of your health, you would have been associated with Mr. King; but the negociations will probably be resumed just about the time when you may have occasion to revisit Savoy.13

I shall sign a treaty of Commerce &c. this day with Denmark, which will be, I think, mutually advantageous to the two Countries.

Mr. Hughes takes his departure for Brussels the first of next month.14 I have seen a good deal of him, and find him possessing his usual good dispositions. I shall be glad if circumstances at another Session shall allow of his mission being placed on a more respectable footing.

I am in arrear to Genl. La Fayette, from whom I have received several kind letters that remain unanswered. I will thank you to make an apology for me to him, and say that I shall seize some early occasion to tax him with the perusal of a long letter.

I shall send you some fresh instructions, respecting our claims on France, after the adjournment of Congress.15

With our best regards to Mrs. Brown, I am Your's truly

James Brown Esq

H Clay

ALS. KyLxT-Haupt Collection. 1 Above, March 22, 23, 1826. 2 Above, Draft, Brown to Clay, January 30, 1826. 3 See above, Clay to Brown, February 21, 1826.
Convention with Denmark

[April 26, 1826]

[Henry Clay and Peter Pedersen, as negotiators for the United States and His Majesty, the King of Denmark (Frederick VI), agree to articles as follows: first, “mutually, not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional”; second, to extend to the citizens of the respective countries on a reciprocal basis the privilege of frequenting all coasts, of residing and trading “there in all kinds of produce, manufactures, and merchandize,” and of enjoying “all the rights privileges and exemptions, in navigation and commerce, which native Citizens or subjects do or shall enjoy,” but not to include participation in the coasting trade; third, to admit “whatever kind of produce, manufacture, or merchandize, of any foreign country,” can be legally imported into their respective countries, “in vessels belonging wholly to the Citizens thereof,” and not to levy higher or other duties upon the tonnage of vessels or cargo, or to allow differing bounties, duties, and drawbacks, “whether the importation be made in vessels of the one country, or of the other; also to permit exports or re-exports “from the one country in its own vessels to any foreign country” when such privilege is extended to any other foreign country, with “the same bounties, duties and drawbacks . . . whether such exportation, or re-exportation, be made in vessels of the United States or of Denmark”; fourth, not to impose any prohibition or duties on importation or exportation of articles produced in their respective dominions other than are “payable on the like articles, being the produce . . . of any other foreign country”; fifth, not to levy “higher or other duties” upon vessels of the United States or their cargoes, “when they pass the Sound or the Belts” than are paid by the most favored nation; sixth, to exclude from provisions of the treaty Iceland, the Ferroe Islands, and Greenland, “places situated beyond the Cape of Good Hope,” and the Danish
April 26, 1826

West Indies. "but in the intercourse with those [last named] Colonies, it is agreed that whatever can be lawfully imported into or exported from . . . [them] in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said Colonies, in vessels of the other party"; seventh, not to levy higher charges upon removal of "personal property, money, or effects of their respective Citizens or subjects . . . from their territories or dominions reciprocally, either upon the inheritance of such property . . . or otherwise than are or shall be payable" upon removal by subjects of the states, respectively; eighth through tenth, mutually to receive consular officials with all the privileges and immunities extended the most favored nation; eleventh, to adhere to these provisions for ten years from this date, "and further until the end of one year after either of the contracting parties shall have given notice . . . of its intention to terminate the same . . . ."


Diplomatic Notes

April 26, 1826

From Peter Pedersen, Washington. Acknowledges receipt of Clay's "Note of this day [i.e., April 25], declaratory of the advanced claims against Denmark, not being waived on the part of the United States, by the convention agreed upon and about to be signed, which Note he as requested, will transmit to his Government . . . ." ALS. DNA, RG59. Notes from Danish Legation, vol. l (M52, R1). Published in American State Papers, Foreign Relations, V, 907.

Instructions and Dispatches

April 26, 1826


To Payton Gay, United States consul, Teneriffe. Encloses his commission, printed circular instructions, and a blank consular bond. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 393 (M78, R2). Gay's interim appointment (cf. above, Clay to Gay, November 30, 1825) had been confirmed on December 19.

Miscellaneous Letters

April 26, 1826

From James H. Causten, Washington. Submits "two lists of papers selected to be copied, with a view to meet the resolution of the Senate, of the 5th, of March 1824" (cf. below, Clay to Adams, May 20, 1826). Adds: "I have with
great care examined all the papers in the State Department which could be
found, and which were supposed to be embraced by said resolution, and have
selected from them, and also from the 'Foreign Letter Books,' those parts or
copies mentioned in said lists. Extensive as this collection is, it does not embrace
more than one third of the papers which the resolution, if construed strictly,
would require; but as those parts which have been rejected, do not bear
materially on the subject matter before the two Houses of Congress, I have
presumed it to be your intention not to lay them before the Senate.” States
his intention, “after the contemplated report shall have been made, to ask of
the Senate the passage of a resolution authorizing” him “to publish, as a con-
tinuation of . . . ‘American State Papers,’ all such correspondence and documents
in the State Department relating to our early foreign relations . . .” Explains
that his “whole desire is to urge the claims of those” he represents “only in the
Senate.” ALS. DNA, RG76, French Spoliations, 1791-1829 (MNP-8, R2).

Cautien was paid $291 on April 26, 1826, and an additional $72, on May 20,
1826, for his services to the State Department in compiling the papers relating
to French spoliations. _House Reps._, 20 Cong., 1 Sess., no. 226, pp. 42, 43. Later
in the year he published _A Sketch of the Claims of Sundry American Citizens_
on the _Government of the United States, for Indemnity, for Depredations . . .
by the French (prior to the 30th of September, 1800). . . , By a Citizen of Balti-
more. He does not appear to have been further identified with the publication
of the Senate report on the subject.

From John Marshall, Richmond. Encloses a letter, “from a French gentleman
residing in Fauquier” (County, Virginia); requests that it be included “in
some packet made up for France”; asks, “If . . . the application should be out
of the course such affairs are permitted to take,” that the letter be returned
to him; explains that he “undertook to make the request from a recollection
that” he had, himself, “forwarded such letters . . ., and without reflecting
that a compliance with such requests might expose the department to inad-
missible intrusions.” ALS. DNA, RG59, Misc. Letters (M179, R64). No reply
to this letter has been found. Cf. above, Clay to Woodward, December 12, 1825.

**APPLICATIONS, RECOMMENDATIONS**

April 26, 1826

James Barbour, Department of War, recommends (William A.) Linton for any
available appointment. ALS. DNA, RG59, A. and R. (MR3). Cf. above,
Wirt to Clay, April 22, 1826, note.

Alexander Macomb, Washington, recommends Maskline Clark as consul at
La Guaira, where he is “about to establish himself.” ALS. DNA, RG59, A. and
R. (MR1). Cf. above, Ridgely to Clay, June 14, 1825, note.

Andrew Stevenson, Washington, encloses a letter from P(hilip) Harrison asking
him to recommend (William A.) Linton for an appointment. ALS. DNA, RG59,
A. and R. (MR3).

From John J. Crittenden

Dr Sir (Private) Frankfort April 27th 1826

I have long repressed my own inclination to write you, because
I really had nothing to communicate that I supposed would
compensate you for the encroachment I should make upon your time, for every moment of which you must have such various & important employments—

We have all the particulars of your late meeting with Mr. Randolf— The result is, of course, gratifying to your friends, tho' many of them think it was not required of you, & that it would have been better to have disregarded the phrensy of the madman— You need not however fear such censors as those that I have heard speak upon the subject—they only disapprove because they value you too highly to see you exposed to danger without the extremest necessity.

But another rumour of a much more serious character has reached us to night, & which gives me much uneasiness altho' I do not credit it— It is that you have had a meeting with Calhoun & that he was killed— I am satisfied of the provocation you have had, & of the remorseless & relentless calumny, machination, & persecution with which you have been assailed & pursued— But I trust that these plotters & defamers shall every man of them live, to see you rising triumphantly above them, &, every day, establishing new claims to the confidence & affection of your country—

I hope to God that this rumour of your meeting with Calhoun is unfounded, & that he has not imposed on you the necessity of that last resort. I would be sorry it should have fallen to your lot [sic], to inflict upon him even the just penalty of offences committed by him— But I know not why I should have said so much about a rumour that I discredit. In a few days we shall know all about it.

I presume not to advise you— But the feelings which prompt, will excuse me for saying, take care of yourself— Passive submission, is not one of the tenets of my creed— But it does seem to me that in your situation you have more occasion to consult your discretion, than your courage— With the first you can confound & sweep all your opponents—the other is a short weapon, that at best can reach but few of them. These men hate you because they fear you— You have disappointed & eclipsed them, & in their vulgar rage they are factious & abusive— from the eminence you occupy, you may venture I think to look down with contempt, if not a smile of triumph [sic], upon their impotent hostility— The public will have sense enough to discover their motives, & to judge fairly between you.

I have never been more astonished than at the outrageous opposition made in the Senate to the Panama mission— Nothing I think could have been more fortunate for you than that the enemies of the administration should have selected that as the subject upon which to display their opposition— I have attended some what to that subject, & have read all the documents in relation to it that
have been published— For the Soul of me, I can not see one single sensible ground of objection to the mission— The universal sentiment here, so far as I have heard it expressed, is in favour of it. To have rejected the invitation, or to have refused to send ministers, would in my opinion have outraged every principle of policy, & every liberal & generous feeling of the American— If Mr. Adams had refused to accept the invitation, it would have made me, as resolute an opponent of the administration as McDuffie himself, tho' I hope not so great a blackguard. You may rest assured that the mission is popular here, & we shall convince our good Senator Mr. Rowan, that he has altogether mistaken his constituents in this particular at least. For justice sake, do not let him shelter himself by referring to secret & unpublished documents— Let all come out if possible. You made the first proposition for recognising the South American republics— All Kentucky was with you— The cause of S. American liberty in the U. States, I have considered in some degree as of Kenty: origin— I have been proud of it—even of my little share in it— And I do really feel indignant at the vote of Rowan. So far as he can do it, he has disgraced Kenty: by his vote. We have been listening with concern & impatience to hear the result of the quarrel [sic] between McDufie [sic], Trimble & Vance. Every one here, that I have heard speak on the subject, seems to feel as if the honor of the State was involved, & the general wish is that Trimble should make him fight, or disgrace him (McDuffie). If Trimble does it, he will be the hero of the day with us. I had rather half the convicts in our Penetentiary [sic] should break out this night, than that impudent boaster should escape with any sort of credit from Trimble & Vance.

Our State politicks move on with pretty much the same turbid & turbulent current with which they have been running for several years— The tide, tho' begins to ebb a little— We shall beat them this year, settle the great question, & bring back peace to the country, I hope & believe [sic]— Our State politicks have had some effect upon our national politicks, & the men at the head of them— As to Mr. Adams it has been highly favourable— The anti-relief & anti-judge-breaking party have almost universally become his friends— The other party has some how succeeded in identifying with them the name & pretensions of Genl. Jackson, not a little to his prejudice— Such has been the effect as to Adams & Jackson— The effect as to you, has been temporarily disadvantageous— You had the whole State with you before, (& will have it again as soon as our differences are settled [sic]) except the Jackson men who opposed you in the Presidential election, There is now added to that opposition some of the relief or judge-breaking party— These last have no better reason for their opposition than that your name
has been associated with the adverse party. The Union between the Jackson men, & the judge breakers, is artificial— It is rather a union between the leaders of these parties, than between the parties themselves—there is in truth nothing in common between the parties to unite them— Their leaders felt that they were declining, & united for mutual support— The alliance, being offensive & defensive, it brought the relief party to a considerable extent to act against you— But this Union will be dissolved as soon as the great question that now divides us, is settled, & most of the relief party will return to their local, political & personal attachments to you—

Such, I think, is about the state & composition of our politics & parties, & such their probable results— I expect, however, that you are better informed on the subject than I am—

If Trimble’s resignation as District Judge does not reach you in time to make it the duty of the President to nominate a successor to the Senate—and it should also be determined as we expect here to appoint Boyle—Can’t the appointment be deferred untill after the first of August? Such a vacancy produced in our court of appeals, might, it is feared by some, have an injurious effect upon our elections.

Hoping that you may not have many such tedious correspondents as I am, & that I may improve at least in the brevity in my letters, before I write to you again, I remain Yr. Friend

Hon: H Clay Secty: of State

J J CRITTENDEN

ALS. NcD. 1 See above, Randolph to Clay, April 1, 1826, note.
2 John C. Calhoun. 3 See above, Clay to Brooke, February 20, 1826.
4 John Quincy Adams; George McDuffie.
5 Cf. above, Clay to Crittenden, March 10, 1826. 6 See above, II, 512.
7 In the debate of the House of Representatives upon proposed amendment of the Constitution relative to the process of presidential election (cf. above, Clay to Hammond, November 1, 1825; McKinley to Clay, January 9, 1826), McDuffie had upheld the change in a speech which stated his belief “that the election of the present Chief Magistrate involved a gross and palpable violation of the spirit and principles of the Constitution, and that the means by which it was effected … was a bold, daring, and shameless coalition, setting at defiance the will of the nation, and neglecting even the external decencies of political morality; a coalition for which no parallel is to be found in the darkest periods of English history.” Elaborating his statement in a hypothetical narrative of the events leading to the election of Adams, McDuffie had delivered scathing personal remarks about first Adams and then Clay: “I will suppose that the individual I have described should offer the fraternal embrace to a member of this House, who had been for eight years his personal and political enemy, denouncing him, without either delicacy or dignity, in the Halls of Legislation, the Courts of Justice, and even in the public journals, and declaring, on a former occasion, that he would not even serve with him in the same cabinet, because he was an ‘apostate Federalist.’ I will suppose the member in question to be a man notorious for the looseness of his morality and the versatility of his political principles; always prepared to accommodate his doctrines to the temper of the times, yet bold, and daring, and in a word, sir, I will suppose him to be a political gambler, regarding politics as a game, and power as a prize to be won by mere juggling and dexterity, yet skilled beyond all other men to disguise his ambi•textuous [sic] tricks, by a confident and imposing manner, and to ‘assume a virtue when he has it not.’ I will suppose, sir, that, after the meeting of the Congress by which the President was to be elected, this member, holding the highest station in the House, and notoriously possessing a
great and decisive influence in the election, should, for five or six successive weeks, maintain a profound and mysterious reserve on the subject . . . , in plain English, for the purpose of 'holding back for a bargain.'"

David Trimble, on April 1, had risen to state that he would also support the amendment "but not for the reasons offered" by McDuffie. The Kentuckian had protested that "such an argument, including all its personalities, had not been heard before within that Hall, or any other Hall of Legislation; and probably the like of it would not be heard again." He, in turn, had undertaken to expose the partisan design of elevating Jackson first, with Calhoun to be his successor, as President. McDuffie had then inquired of Trimble concerning "the precise and specific meaning of words used in debate, that may be construed to have a personal bearing upon a member of this House." Trimble had replied that he would give no explanation until the South Carolinian had given one: "If he says he meant no personality, I say that I did not; if he did, I did. But, in saying this, . . . I put myself entirely on the defensive. I feel no malice to him, or to any man; but, whatever may follow this, I do not mean to have imputations cast upon myself or my friends. The gentleman's answer is with himself—when he answers, I do."

McDuffie had then resumed by leveling personal abuse upon Joseph Vance, who, also on April 1, had spoken in defence of the vote given Adams by the Ohio delegation. McDuffie had concluded: "Now, sir, once for all, I give the Secretary of State to understand, that when he wishes to avoid the responsibility of repelling imputations upon his character, and chooses to send his minions and tools and understrappers to utter insolence and scurrility on this floor, I shall not feel bound to notice them, in a certain way, until he commissions to 'do his errands,' men who have at least the semblance of gentlemen." The South Carolinian concluded, however, that while he would not honor his opponents by extending to them "an invitation that would place them on a footing of equality," he would, if thrown upon the defensive, "be willing, in order to avoid any possible imputation upon . . . personal honor, to admit that they are gentlemen, pro forma, and for the occasion merely, though in point of fact they have no pretensions to that character." Register of Debates, 19 Cong., 1 Sess., 1953, 1962, 1988 et passim.

INSTRUCTIONS AND DISPATCHES

To CHRISTOPHER HUGHES, no. 3. Encloses "a renewed Letter of credence to the Minister of Foreign Affairs of the Netherlands" (also dated April 27, DS, "Duplicate," in MiU-C) and "a copy of the correspondence . . . between the Chevalier [Bangeman] Huygens and this Department"; states, "In respect to seamen deserting from . . . Dutch vessels," that a remedy can only be provided by Act of Congress, which seems doubtful this session, or by a provision in a commercial treaty, which the Netherlands has not been willing to negotiate; refers to the note to Bangeman Huygens, (above,) December 10, 1825, concerning "the inequality in the ports of the Netherlands between American and Dutch vessels," and instructs Hughes to pursue the subject; directs attention to enclosures supporting claims on the Netherlands by "Leroy and Bayard, the Governor Strong, and Mr. [Joseph C.] Morgan. . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 27-28 (M77, R6). AL draft, in DLC-HC (M212, R7). Extract published in House Doc., 19 Cong., 2 Sess., no. 58, p. 11. Under the final settlement of claims against France, as effected by treaty of July 4, 1831 (Miller [ed.], Treaties, III, 641-51), the firm of Leroy and Bayard received awards for seizures on several vessels confiscated under Napoleonic decrees. S(tephen) Higginson and Company, Boston merchants, owners of the Governor Strong, seized under the same orders at Helvoestuys in 1809, also received compensation, $65,395.05. House Docs., 24 Cong., 1 Sess., no. 117, pp. 14, 21, 38, 40, 73. On the Morgan claim, see above, Morgan to Clay, December 26, 1829.
From James Brown, Paris. Notes that accounts of the fall of Missolonghi, mentioned in his last dispatch (above, April 13), have been contradicted by later reports of the defeat of the assaulting forces and death of Ibrahim Pasha; that the French people are raising subscriptions to aid the Greeks who, however, can be saved only by Russian intervention; and that the British adhere to a policy of strict neutrality. Cites a report that Russia has given an ultimatum to Turkey, which aroused fears, now subsiding, of a general war. Comments: "It would seem that all the great powers are anxious to preserve a state of peace, as well because their finances are in a very embarrassed state, as on account of the internal discontents existing in several portions of Europe." Refers to an opinion, held in both Spain and France, that an invasion of Cuba and Puerto Rico by Mexico and Colombia "will either be postponed for some time or entirely abandoned. . . ." Reports having learned that the French "Government is not well satisfied" with the allusion to Haiti in the President's message on the Panama Mission. States that "The law on the St Domingo indemnity [see above, Brown to Clay, February 13, 1826] . . . has been sent to the King." ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Earlier in April Nicholas I had presented Turkey with an ultimatum demanding: "1. That the state of things which had existed in Wallachia and Moldavia before the insurrection of 1821 [cf. above, III, 87n], and, in particular, the number and organization of the provincial militia, should be completely re-established. 2. That the Servian deputies, who had been confined in the seraglio, since 1821, should be set at liberty. 3. That the Porte should appoint plenipotentiaries to meet with Russian commissioners . . . to resume the negotiations on all points which had been under consideration between 1816 and 1821, and bring them to a definitive conclusion." Annual Register, 1826, "History," 346-47. The Porte yielded to these demands on May 13.

President Adams, in a message to the House of Representatives, March 15, 1826, had said, with reference to the refusal of the United States to recognize Haiti: "Additional reasons for withholding that acknowledgment have recently been seen in their acceptance of a nominal sovereignty by the grant of a foreign prince under conditions equivalent to the concession by them of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage and retaining little of independence but the name." Richardson (comp.), Messages and Papers, II, 335-36. Cf. above, Holden to Clay, July 16, 1825, note; below, Brown to Clay, May 10, 1826.

From James Maury, Liverpool, "Duplicate." Reports that "The suspension of the law requiring Certificates of Origin of certain articles of Cargoes in Vessels from the United States and other Countries, having expired, a few" American vessels arriving without these documents were refused entry; that, however, "on application to Government, the most prompt orders were given for their admission"; and that "this morning" customs officers at Liverpool received notice "that the Suspension of that law has been renewed. . . ." Explains the law and encloses a list of goods affected by it. LS. DNA, RG59, Cons. Disp., Liverpool, vol. 4 (M141, R4). Received June 10. Published in Washington Daily National Journal, June 10, 1826.

APPLICATIONS, RECOMMENDATIONS

April 27, 1826

A. S. Colvin, Washington, solicits employment as a copyist; states that she is "at present truly destitute" and that the board of her niece and herself amounts to "Eight dollars per week"; adds that her husband (John B. Colvin) "died
To James Erwin

Dear Sir

Washington 28 April 1826

I wrote yesterday to Anne, and inclosed my letter to the care of your brother at Nashville. Mr. Hitchcock unexpectedly arriving last evening and being about tomorrow to take his departure for N. Orleans affords me an opportunity so direct that I cannot consent to let it pass, without availing myself of it. I must however refer you to him for particulars, public and private, which you may like to know. Your movements are so frequent that I can neither hear from you or write to you as often as I wish. I hope that you will become stationary, and agree to form a part of our family. I know your activity of disposition, but this is at the same time a source perhaps of happiness to you and of danger. You might moreover indulge it here to a reasonable extent. Your own experience, and that of others, especially in these times, should admonish you of the risks of yielding too much to a spirit of speculation. I confess I have many fears on your account. An ample competency may be necessary to comfort and happiness, but when that is once acquired one should not indulge in a passion of boundless accumulation, but should content himself with a reasonable and just use of what he has. Could any one two years ago (still less himself) have foreseen the present condition of Mr. Morgan of N. Orleans? I do not know the precise situation of your fortune, but if I am not mistaken you have enough.

I have not heard the fate of your Carraccas [sic] bill; but I will endeavor to ascertain it from Col. Pallacio. I am glad that I have gotten rid of the vexation of the Engine, on any terms.

We expect to be in Kentucky in the month of June, perhaps about the 25th. of it, and we shall be happy to meet you and Anne there. I am very apprehensive of your losing little Julia, but I hope my fears are groundless. We anticipate the satisfaction also of meeting in K. our poor little orphan grandchildren and we hope that Mr. Duralde will consent to let us have them. He has not written a line to me since a melancholy event, I know not why.

Our experience so far authorizes us to hope that our salary will sustain the expences of our establishment here, and leave us at liberty to apply the principal part of our income in Kentucky to the gradual extinction of my debts. Should I indeed be spared a
few years I think I shall pay them all, without parting for that purpose with any portion of my property.\(^{10}\) I have rented out the House and pleasure grounds at Ashland to Mr. Mason (John T.)\(^ {11}\) I thought even if he should fail to pay the small rent which he has agreed to give he might at least take better care of the property than an overseer would; and I have restricted him very much.

I am anxious for a decision of the suit with Coxe &c.\(^ {12}\) and I hope it will be ended this Spring. If you or Duralde shall have paid any fees to Lawyers recollect that I must have regular vouchers for them.

James is with Bishop Chase in Ohio.\(^ {13}\) John and his Mama\(^ {14}\) are both well, and she unites with me in affectionate remembrance to Anne and yourself

H Clay

Mr James Erwin

ALS. THi.
1 Anne Clay Erwin; John P. Erwin. The letter has not been found.
2 Henry Hitchcock.
3 Cf. above, Clay to Brown, February 21, 1826.
4 Leandro Palacios. See above, Clay to Erwin, February 24, 1825.
5 See above, II, 899; III, 72.
6 Julia D. Erwin lived until August, 1828. See below, Clay to Erwin, September 4, 1828.
7 Martin Duralde (III); Henry Clay Duralde.
8 Martin Duralde (Jr.).
9 The death of Susan Clay Duralde.
10 Cf. above, III, 886.
11 See above, Clay to Mason, March 9, 1826.
12 See above, Whittelsey to Clay, April 29, 1825.
13 See above, Clay to Brown, March 22, 1826.
14 John Morrison Clay; Lucretia Hart Clay.

From Lafayette

My dear Sir

I Have Not By the last packet Heard from You, or the president, or Any of the public men at Washington Which I Readily explain on Account of Your pressing Avocations in these Congressional times. Mr Brown\(^ 3\) writes, no doubt, to You; Mr dodge, Consul at Marseilles, Contemplates going from New York\(^ 2\) to the Seat of Government which is a Very Good Channel of Late informations. I shall therefore Confine myself to expressing My Satisfaction at the Result of a debate\(^ 9\) which Has Given me much Anxiety as You know no Body Sets a Greater Value than I do on the moral influence of the U.S. for their own Sakes, for the Sake of the new American Republics, for the Sake of manking [sic], the general Cause of which, the Government Model, when ever they allow themselves to act, are Called to further. I wish the Commissioners\(^ 4\) may not Have been too long detained.

My Anticipations Relative to the Heroic Resistance of the Greeks Have not Been disappointed. But Unless European policy, I mean that of their Governments finds a Selfish interest in Rescuing them from the efforts of the Barbarians, nothing is to be expected from
the feelings of the Holy Alliance Great Britain included. in the mean while We Have the joyful Account of a complete Repulse of ibraHim pasha from the shattered waste of Missolonghi. present my most affectionate Respects to Mrs Clay, to the president and Both families, to Your Colleagues, to all friends at Washington. I Have Had a Visit of the Gout which Had Very properly Re­frained from interrupting my enjoyments on the Sacred Beloved Ground of the U.S. But am now much Better. Most affectionately Your friend LAFAYETTE permit me to put the inclosed under your kind Care.

ALS. Henry Clay Memorial Foundation, Lexington, Kentucky.  
1 James Brown.  
2 Cf. above, Dodge to Clay, March 31, 1826.  
3 See above, Clay to Anderson, March 15, 1826.  
4 Richard C. Anderson; John Sergeant.  
5 Cf. above, Brown to Clay, April 13, 27, 1826.  
6 See above, III, 893-94.  
7 Not found.

From Thomas Scott

Henry Clay Esquire Chillicothe 28th. April 1826

Sir

When I heard, that our old friend Trimble, had been nominated to the Senate, as the successor of our late esteemed friend Judge Tod [sic]; I confess I fet [sic] a little disappointed, as I had entertained an opinion, as so many important appointments had been made from Kentucky, and so few from Ohio, that the latter was entitled to the judge: Provided, a man qualified could be found among us. And I confess my personal, and State pride was such, as to induce a belief, that several gentlemen possessing the requisite qualifications could be found. I am Still of the Same opinion. However, upon more mature reflection on the circumstances connected with the nomination, I am led to the conclusion, it was the best the president had in his power to make, without producing great dissatisfaction in Kentucky. There is no one, who entertains a more exalted opinion of the intrensic [sic] worth, and legal acquirements of Judge Trimble than myself; and were it not, for that personal and State pride, (which perhaps I possess, in too eminent a degree,) I would Say, it was an excellent nomination. When I heard of the nomination, I candidly confess, I conceived an opinion, you had used your influence against me; and observed to some of my friends, if you had done so, I did not know, but that you had done right, as I had not Supported you at the presidential canvas [sic]. During that canvas, I gave my Support to Mr Adams, under an honest conviction that, that was the course under the then existing circumstances, which was best calculated eventually to secure the interest of the West. So far therefore as relates to yourself, my conduct on that
April 28, 1826

occasion, requires Some explanation. This as an old friend, and companion too, I shall proceed to give with the utmost frankness.

You will recollect that, at a very early period, we had Several free conversations on the subject, in which I informed you of my intention to Support your election. Such was my intion [sic] at the time, and that intention would have been carried into effect, but from circumstances which afterwards transpired. These circumstances were not personal, but of a character altogether political. At the time the conversations above referred to were held, no apprehensions were entertained of General Jackson. At that time, it was my opinion the contest rested alone between yourself, Mr Adams and Mr Crawford; and that General Jackson was entirely out of the question. That could you be returned to the House of Representatives, as one of the three highest on the list, your personal popularity with the members was such, as to ensure your election. How ever in 1822, or 3 I travelled through the States of North Carolina, Virginia, Maryland, Delaware, New-Jersey and Pennsylvania. During this Journey and after my return I availed myself of every mean [sic] in my power, in order to ascertain the prospects of the respective candidates. The result was, a thorough conviction, that you could not be returned to the House of Representatives as one of the three highest on the list of candidates; and that the real contest would lie between Adams & Crawford. On the last point, the result has proved, I was mistaken. To Some of your confidential friends, I communicated the result of my enquires [sic], they were offended at my frankness and requested me to be Silent on the Subject. Under the then existing circumstances, I hesitated for Some time, being at a loss to determine on the course which I ought to pursue. Jackson had been nominated in the States of Tennesee [sic] & Pennsylvania, and also in different places in many of the other States, and his prospects were rapidly increasing. As we could not rationally calculate on a Succession of presidents in the West, it appeared to me your prospects would be forever blasted, were Jackson elected. On the other hand, it appeared to me, if Crawford were elected, it would be equally as injurious to your future prospects, and as much, if not more injurious to the interest of the West. Beside which, the Slave-holding States had for a long succession of years, been honored with having furnished the President; this circumstance had began [sic] to excite jealousies in the free States. My opinion had long been, and Still is, that if suitable characters could always be had, an alternate choice of president from the free, and the Slave holding States, would be one of the most effectual means that could be resorted to, in order to keep down State jealousies and cement the Union of the States. If either Jackson or Crawford were elected, it seemed to me, no Gentleman residing in either of
the Slave holding States, could rationally calculate on succeeding at the election next there after. I reasoned thus; Should the Eastern States decide in favor of Mr Crawford, the Southern States at the election next there after, would most probably, feel themselves bound to Support an Eastern Candidate, in preference to a Western one. On the other hand, should the Southern States ultimately support Mr Adams, in opposition to Genl. Jackson, it would most likely have the effect, of inducing the Eastern States to support at the election next thereafter, a Southern, in preference to a Western Candidate. And that if either the South or the East should Support General Jackson, the effect would be to blast your prospects of ever being elected; and give to the West a president, who did not in my judgment, possess the qualifications requisite for so exalted a Station. Impressed with these views of the case, there appeared to me, to be no other alternative than, either, to lend you my feble [sic] Support, when I was convinced you could not be elected, or to abandon you at the time, and Support Mr Adams, under a conviction, that eventually it might ensure your election, and there by Secure the interest of the West. I did Suppose, that if Mr Adams should be elected by the House of Representatives, it would be effected in consequence of the votes he might receive from Western members, and that it would have the effect of inducing the Eastern States, at the next Succeeding election to Support a Western instead of a Southern candidate. Indeed, it appeared to me, that the interests of the East and of the West, were more intimately connected than that of the South and of the West. This process of reasoning led me to the conclusion that, an Adams ticket ought to be made out and Supported as far as practicable. [Explains that he accordingly suggested this approach and "procured the nomination of most of" those named to the ticket; also that, when it was known that Clay had not been voted one of the three highest candidates, he (Scott) urged Clay's friends to support Adams—first, because it would tend to unite the East and the West; second, because it would foster support for a Western candidate as his successor; and third, because "there could be no doubt" that Clay "would be appointed to the department of State." Notes that after the election, he talked to Adams regarding this appointment.] Mr Adams replied, if you were appointed to the department of State, that he Could not Select from Ohio a member of his Cabinet, as it would be giving to the West, more than there [sic] just proportion. That the office of Secretary of the State department was more important, than all the other secretaryships put together, as either of the latter, could be performed by any gentleman of ordinary Capacity, but that the former required a man of the first order of talents, to fill it with propriety. He then enquired, whether we were willing
you should be dropped, provided a member of the Cabinet should be appointed from Ohio. I unhesitatingly told him we would not, and that if no more than one member of the Cabinet could be appointed from the West, I knew Ohio would cheerfully relinquish all claim in your favour. Mr. Adams then declared, that Ohio should not be overlooked, but that so far as in his power consistent with the just claims of the other States, I might rest Satisfied she should be provided for. I have now my dear Sir given a candid Statement, of the course pursued by me in relation to yourself; and I leave it with you to say, whether that course has been right or wrong, honorable or dishonorable. I should have given to you this explanation, when I had the pleasure of seeing you last Winter, but for the fears I then entertained, that you might be tempted to believe, I made it with a view of inducing you to use your influence with the president on my behalf. But as the nomination is now made, and all hopes on my part are entirely cut off, (unless Mr Adams should nominate me to the 8th. circuit, of which I have not the most distant hope or expectation,) I hesitate not to make the explanation. This explanation, I think is due to you, from the circumstances which formerly transpired. I should not however have made it at this time, but for the information just received, mediately, from our mutual friend, Mr John Bailhache, which is, that, you are in reality and not in word only, sincerely my friend. [Notes that as “early as the Summer of 1815—Judge Tod” advised him to prepare himself for the office of Supreme Court justice. He has, since that time, pursued a “course of studies . . . with reference to that object; and . . . had the vanity to Suppose, in point of legal acquirements, that” he was as well qualified as the other candidates. “But,” he adds, “I am poor, have a large family to Support and am destitute of wealthy influential relatives to urge my pretentions.” Almost free of debt and enjoying a “rapidly increasing” practice, he “cheerfully” submis to fate, confident that he will “increase in wealth and influence.”] I write this with the freedom of a friend, because I believe I am writing to one. If in this I am mistaken, burn this letter and there let the matter rest. With Sentiments of esteem I remain Sir Your Obt. Servt THOMAS SCOTT

ALS. DLC-HC (DNA, M212, R2).

1 See above, Clay to Hammond, April 19, 1826.

DIPLOMATIC NOTES

From [the BARON DE MAREUIL], Washington. Refers to proposals in the United States Senate and House of Representatives for changes in duties on imported wines; explains the adverse effects the proposed action would have on the importation of French wines and the injury France would suffer from this
"Nouveau Tarif"; and requests Clay to submit this statement to the President. N. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7). As finally enacted, May 24, 1828, the new imposts retained the old rate upon Bordeaux wines in bottles, the proposed increase upon which had particularly concerned Mareuil, while the levies upon the red wines of France and Spain when not imported in bottles were greatly reduced. 4 U.S. Stat., 309. This latter action was taken on the ground that such imports, for the most part, represented barter arrangements by which American cotton, tobacco, potash, and rice were exchanged. Register of Debates, 20 Cong., 1 Sess., 2745-46.

INSTRUCTIONS AND DISPATCHES

April 28, 1826


From Rufus King, London, no. 28. Notes that the dissolution of Parliament "is expected to occur about the 20th of May" and "that the Elections must take place under great public dissatisfaction and embarrassment, the commercial and pecuniary affairs of the Country having grown worse. . . ." Reports the return of the Duke of Wellington (see above, Brown to Clay, February 13, 1826) on the preceding day. Encloses copies of an exchange of letters with (George) Canning. LS. DNA, RG59, Dip. Disp., Great Britain, vol. 32 (M30, R28). Received June 10. Extract published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 502. In the enclosures, Canning inquires whether King is authorized to resume negotiations relative "to a Settlement of Boundaries upon the North West Coast of America," to which King replies affirmatively but adds that he expects "Particular Instructions" on the subject. On the Northwest boundary controversy, cf. above, II, 611n; III, 60n; Rush to Secretary of State, March 26, 1825.

APPLICATIONS, RECOMMENDATIONS

April 28, 1826


From James Brown

Paris April 29, 1826

My dear Sir

I had the pleasure of receiving by the Edward Bonafer1 which sailed from New York on the 1st. Inst your letter with an enclosure of your 2nd. of Exchange for five thousand francs.2 I had already mentioned in my last that I had in January drawn on you in favor of Madame Pasta for three thousand francs but that I would collect your draft and instead of 12,000 francs for my present quarters salary would draw for nine leaving you to pay my drafts receive the three thousand there and charge me with it.3 I hope this arrangement will occasion no inconvenience and that you have been so good as
to honor my draft. There is something due to you (a small sum) which Mrs. Brown will send to Mrs. Clay in some article of dress.

I am happy to find that the Panama Question has gone through the Senate and that it will meet with stronger support in the House. The opposition if arising from the wish to prevent Mr Adams re-election will encounter its greatest obstacle in the choice of a Candidate. Mr Calhoun Clinton and Jackson will each have his claims and this division will give strength to Mr Adams. The retreat of Genl Jackson from the Senate will have an unfavorable effect on his pretensions, Clintons popularity seems to be confined to New York, and I have never thought Mr Calhoun a very popular Candidate. If nothing of an unforeseen nature happens Mr Adams election will be certain—

I hear with pleasure from all my correspondents that your health is improved and hope that a trip to the West will firmly establish it. My own is much improved notwithstanding my exposure to the evening air and to late hours. Mrs. Brown enjoys fine health and is pleased with Paris.

The news which you will find in my letter of the 27 respecting the Greeks is confirmed by letters from various quarters and is believed by every one. I hope before the opening of another Campaign something will be done in favor of this gallant people.

Mr Sheldon whose life was almost despaired of a year ago spent the summer on the sea shore and returned to Paris in much better health. I now begin to apprehend a return of the same complaint, a pulmonary consumption, which has proved fatal to several members of his family. The warm weather will soon commence and perhaps may relieve him from the cough with which he has been afflicted for some days. His brother a stout healthy young man was attacked by a cough and loss of blood from the lungs about eight weeks ago, and is now in the last stage of consumption—

Mrs. Brown joins me in love to Mrs. Clay

Honb Henry Clay.

Yours truly

JAMES BROWN

ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26).

1 The Edward Bonaffe, a packet built at New York in 1824, was employed on the Havre Line.

2 Neither the letter nor enclosure has been found. Cf. above, Brown to Clay, April 13, 1826.

3 See above, Brown to Clay, April 13, 1826.

4 See above, Clay to Anderson, March 15, 1826.

5 See above, Clay to Hammond, November 1, 1825.

6 Daniel Sheldon.

7 Not identified.

DIPLOMATIC NOTES

April 29, 1826

From CHARLES R. VAUGHAN, Washington. Refers to a note, addressed by (Henry U.) Addington to the Government of the United States, October 5, 1824, relative
to the incident involving the Reindeer and the Ruby (see above, Lloyd to Clay, June 27, 1825, note); states that, no answer having been received from the United States, he has been “directed to ask for an acknowledgement of the Impropriety of the Conduct of the Persons concerned in the forcible Recapture of the . . . Vessels”; claims that all complaints made by the United States against British cruisers in the Bay of Fundy have been investigated fully, with reports “laid before the American Government,” and cites the case of the Charles (see above, Vaughan to Clay, February 5, 1826) as an example. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 502-503.

MISCELLANEOUS LETTERS

April 29, 1826


From [atliff] Boon, Washington. States that (Elisha) Harrison has again written him relative to his claim for payment for publishing the laws, that he believes Harrison’s statements to be correct, “And that, Harrison is abundently [sic] able to pay any claim which [William] Monroe or [Thomas] Evans may have against him.” LS. DNA, RG59, Accounting Records, Misc. Letters. Cf. above, Noble and Boon to Clay, January 5, February 23, 1826.

APPLICATIONS, RECOMMENDATIONS

April 29, 1826

Maskline Clark, Philadelphia, cites recommendations that he be made a consul in Peru; requests, if the appointment has been made, that it be transferred to La Guaira. ALS. DNA, RG59, A. and R. (MR1). Cf. above, Ridgely to Clay, June 14, 15, 1825; Clayton to Clay, June 15, 1825.

John Sergeant, Philadelphia, recommends William H. Smith, a merchant in Canton, to fill the vacancy as consul in that port caused by the resignation of John (R.) Thomson (above, Thomson to Clay, December 6, 1825). ALS. DNA, RG59, A. and R. (MR3). Sergeant wrote a second letter, of this same date, confirming what he had earlier written, lest it be supposed to have been “a mere concession to importunity . . .” Ibid. Smith, a cousin of Samuel Harrison Smith, did not receive the appointment.

Henry Toland, Philadelphia, recommends William Harrison Smith, of Philadelphia, for appointment as consul at Canton. ALS. Ibid. On May 22, 1826, Daniel Brent, “by direction of the Secretary,” informed Toland that the appointment to the Canton consulate had already been made. DNA, RG59, Dom. Letters, vol. 21, p. 326 (M40, R19). Cf. above, Clay to Grosvenor, April 15, 1826.

INSTRUCTIONS AND DISPATCHES

April 30, 1826

From [richard] C. Anderson, Jr., Bogotá, no. 42. Reports the Colombian Government’s anxiety concerning “the war now existing between Rio de la Plata and the empire of Brazil,” its wish “that the Government of the United States should become mediators [sic] between the belligerents,” and its view that the war does not constitute “a casus foederis contemplated in the treaty of alliance
between Colombia and Buenos [sic] Ayres. . . .” Adds: “no credit is attached here to the various reports ascribing to [sic] the President [Simón] Bolivar an intention of interfering in the War.” LS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received June 18. A treaty of friendship and alliance had been signed March 8, 1823, by representatives of Colombia and the United Provinces of the River Plate. Joseph R. Revenga, Colombia Minister of State and Foreign Relations, had declared the treaty inapplicable to the conflict between the United Provinces and Brazil because it represented a dispute over territory which Brazil had formerly held without protest from her southern neighbor. Lockey, Pan-Americanism, 297, 450-51.

From [[oe]] R. Poinsett, Mexico, no. 42. Reports that “John D. Hunter, distinguished for his publications and for the account given of him by Govr: [Lewis] Cass in the North American Review,” has visited Mexico seeking a grant of land for Indians who wish to move across the frontier; asserts that Hunter is “not very friendly to the interests of the United States”; notes apprehension in Mexico concerning French naval and military forces in the West Indies and “the late reinforcements which have arrived at Havannah” (see above, Burton to Clay, February 6, 1826); states that there is no appearance in Mexico of preparation for action against Cuba and that (David) Porter’s arrival (cf. above, Wilkinson to Clay, July 27, 1825) is being anxiously awaited; encloses copies of correspondence with the Mexican Government relative to the conduct of “Mexican Marine officers at Vera Cruz” and to “the conduct of the Master of the American Schooner Eagle”; states that the Mexican representatives to the Congress of Panama, (José Mariano) Michelena and (José) Dominguez, “left Mexico two days ago for Acapulco.” Adds: “The Plenipotentiaries of this Government, the Secretary of State Don Sebastian Camacho and the Secretary of the Treasury Don José Ignacio Esteva have appointed the first of May to renew the negotiations with me.” LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received June 16.

In one enclosure, addressed to the Foreign Minister, Poinsett complains of impressment, at Veracruz, of American seamen and of the detention of American seamen after their terms of service on Mexican warships have expired. Also enclosed is a translation of a letter from Camacho to Poinsett, stating that on March 1 a Mexican gunboat had detained the American schooner Eagle, found to be carrying $16,000 worth of Spanish goods, placed a marine guard on board, and ordered the vessel to Campeche for trial. Later, the American captain forcibly regained control of the Eagle and took her to New Orleans, with the Mexicans as prisoners. Camacho complains of “the insults offered to the Mexican Nation on her coasts by the subjects of the United States of the North” and demands severe punishment for the captain. Poinsett’s reply contains a promise to lay the matter before his government, a refutation of the blanket charge against citizens of the United States, and a promise of the cooperation of his government in whatever measures Mexico may adopt to end smuggling on her coasts.

John Dunn Hunter, who claimed to have been born west of the Mississippi before the turn of the century, captured by Kickapoo Indians as a child, and reared successively by the Kickapoo, Kansas, and Osage tribes, had published in 1823 a volume entitled Manners and Customs of Several Indian Tribes Located West of the Mississippi, which had been reprinted in London and translated into German and Swedish. An unsigned review of the work, published in the North American Review, XXII (1826), 94-108, attacked Hunter as an imposter and presented extensive argument to support the charge. Hunter made no defense but then went to Mexico to press an appeal for a large land grant, which he projected as a colony for settlement of Indians. This plan was
rejected, and Hunter subsequently became involved in a movement for Texan independence. He was killed by an Indian in 1827.

José Domínguez had been Minister of Justice under Augustín de Iturbide and at the time of his appointment to the Panama Mission was president of the court of justice of Guanajuato. On the projected negotiations with Poinsett, cf. above, Poinsett to Clay, March 18, 1826.

MISCELLANEOUS LETTERS April 30, 1826

From Herbert A. Claiborne, Richmond, "private." Notes that Alexander McRae's family has "for three months past . . . not received any tidings whatsoever of him" and is apprehensive "as to his safety"; asks whether Clay has "lately heard from Coln McRae & where he was" at the time; adds that he and McRae married sisters. ALS. DNA, RG59, Misc. Letters (M179, R64). Claiborne, a cousin of William C. C. and Nathaniel H. Claiborne, had married Delia Hayes of Richmond. Her sister, Nancy, had married McRae in 1807.

On May 2 Daniel Brent informed Claiborne that McRae's last communication "was dated at London, 4 January of the present year," and added that, in view of "several longer intervals of time in which" nothing had been "heard from, or of him," there was no reason "for entertaining any unpleasant apprehensions concerning him." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 307 (M40, R19). Endorsed: "9th. A copy sent to Mr. G. [sic] Robert at Richmond, in answer to his letter of the 6th."

DIPLOMATIC NOTES May 1, 1826


INSTRUCTIONS AND DISPATCHES May 1, 1826

From Richard C. Anderson, Jr., Bogotá, no. 43. Transmits, "for general publication," a digest of commercial regulations, recently adopted by Colombia, to go into effect during the summer. LS. DNA, RG59, Dip. Disp., Colombia, vol. 3 (M-T33, R3). Received June 18. Endorsed by Clay: "To be submitted to the President—Shall these Commercial regulations be published in the newspapers?"

The regulations were published in Washington Daily National Journal, July 22, 1826.

From Thomas L. L. Brent, Lisbon, no. 20. Reports receipt of a decision of the Portuguese "high Tribunal of Justice . . . that the American seamen, that committed the murder on board of the American schooner Napoleon . . . should be delivered over to the United States"; states that he has directed the American consul (Israel P. Hutchinson) to send the men to the United States; notes that he has received no reply "from the Count of Porto Santo respecting the cargo of the Brig Osprey" (see above, Brent to Clay, July 11, 1825), that he has intimated to Hutchinson the advisability of "some arrangement with" the (Portuguese) "Treasury department," and that in his own opinion the claim will not be settled "without some private arrangement" or a threat of "reprisal on the part of the United States." Encloses documents. LS (except formal closing,
May 2, 1826

in Brent’s hand). DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received June 22. The decision, enclosed, in the case of the American seamen is dated June 4, 1825. The murder had occurred early in 1824. Henry Dearborn to John Quincy Adams, March 4, 1824, ibid.

MISCELLANEOUS LETTERS

May 1, 1826


APPLICATIONS, RECOMMENDATIONS

May 1, 1826

Charles Bulfinch, Jr., Washington, solicits appointment to a clerkship in the State Department; notes that his father has been “Architect for the Capitol” for eight years. ALS. DNA, RG59, A. and R. (MR1). Dated May, 1826. Young Bulfinch received no appointment. His father, the celebrated Boston architect, had succeeded Benjamin Latrobe as architect of the Capitol and retained the position until 1830.

George E. Mitchell, Thomas C. Worthington, George Peter, Peter Little, Clement Dorsey, and John Barney, House of Representatives, recommend for an “upper clerkship” in the State Department, William Kilty, of Annapolis, currently clerk of the Maryland Senate. ALS by Mitchell. DNA, RG59, A. and R. (M531, R4). Letter unaddressed; probably enclosed in Munroe to Clay, May 27, 1826. On Kilty, see below, Kilty to Clay, May 26, 1826.

Christian Tarr, Fayette County, Pennsylvania, asks that his name be mentioned to the President for appointment as superintendent for repair of the Cumberland Road and for construction of toll houses and toll gates, should the bill which has been reported in the House of Representatives be enacted. Refers to “the friendship that has subsisted between” himself and Clay as a consideration in support of his request. ALS. DNA, RG59, A. and R. (M531, R8). Cf. above, II, 563n. The cited legislation was not adopted until 1827, when $30,000 was appropriated for repair of the Cumberland Road, but without reference to constructing facilities for collecting tolls, 4 U. S. Stat., 228 (March 2, 1827). Tarr received the appointment as superintendent and served in that capacity from 1827 to 1829.

Joseph M. White, Washington, encloses “two applications, for the office of District Atto. in East Florida”; asks that they “be laid before the President.” ALS. DNA, RG59, A. and R. (MR5). The applications have not been found.

To Albert Gallatin

Dear Sir (Private and Confidential) Washington 2d. May 1826

A despatch was received yesterday from Mr. King communicating his determination to resign the mission to England, and asking permission to return to the U. States in the month of June. His wish will be acceded to, and I shall transmit to day his letter of
recredence. This unexpected event will render it necessary to hasten your departure, should the Senate approve your nomination which now may be confidently anticipated. Had you better go out in the character of a Special Minister, or as the successor of Mr. King? These are questions on which your wishes would have attentive and friendly consideration. In either alternative, it is not desired that you should, contrary to your interests and inclination, protract your abode in England beyond the period necessary to bring the important negotiations, with which you will be charged, to an issue. Let me hear from you as soon as convenient.

I am respectfully, Your obedient Servant, H. Clay

Albert Gallatin Esqr

ALS. NHi. Gallatin Papers (MR13). Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 30 (M77, R6); L draft, in DLC-HC (DNA, M212, R7).

1 Above, King to Clay, March 21, 1826.
3 See below, Gallatin to Clay, May 3, 1826.

To Rufus King

No. 10. Rufus King, Envoy Extraordinary and Minister Plenipotentiary U.S. London.

Sir, Department of State, Washington 2d. May 1826.

Your dispatch No. 25,1 with the accompanying letter addressed to the President, has been received, and both have been presented to him. Whilst he sincerely regrets that the ill state of your health should have determined you to resign the Mission to England, he accedes to your request of permission to return, and consents that it should be in the month of June, desiring that you should consult your own comfort and convenience. I am directed by him to express his satisfaction with your ministry. He approves of your leaving the affairs of the Mission in the charge of Mr. John A. King.

I transmit herewith a letter of recredence,2 to be presented on your taking leave of the King, together with a copy of it, to be delivered to the Minister of Foreign Affairs,3 when you ask for the assignment of a period for the performance of that ceremony. You will accompany its delivery to the King by the expression of the earnest desire of the President that no interruption, in the amicable relations between the two Countries, should take place in consequence of your retirement, and an assurance that no time will be unnecessarily lost in the appointment of your Successor, who will be charged with the renewal of the negotiations which were suspended during the period of Mr. Rush’s Mission.4

I am, with great respect, Your obedient Servant, H. Clay


1 Above, March 21, 1826.
INSTRUCTIONS AND DISPATCHES

May 2, 1826

From Alexander Burton, Cádiz. Encloses "a Copy of a Royal Order relating to quarantine on vessels coming from America to the Peninsula during the summer season." ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received August 10.

From John M. Forbes, Buenos Aires, no. 35. Reports the arrival, on April 5, of the Cyane, Captain (Jesse D.) Elliott, which on the 18th "sailed again for Montevideo," and the appointment of "Dr. Dn. Manuel Moreno, Minister Plenipotentiary near the U.S. and Dr. Dn. Joaquin Andres Ferrera, Secretary of Legation." Encloses a copy of a note from Elliott to Admiral (Rodrigo José Ferreira) Lobo relative to the blockade and discusses the irregularities in the conduct of the blockading force. Notes that (Manuel José) García has been appointed "Minister to the Congress of Panama" but "will not accept the mission." LS. DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Received August 18. Published in Espil (comp.), Once Años en Buenos Aires, 421-23. Ferrera not further identified.

MISCELLANEOUS LETTERS

May 2, 1826

To the Pennsylvania Institution for the Deaf and Dumb. Transmits translations of a letter and accompanying documents from the Baron de Mareuil (above, March 23, 1826); requests "in return, ... such papers and documents as might be found acceptable to the Royal Institution at Paris." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 308 (M40, R19). Name of the signer is not given. Copies of this letter were also sent to the Central Asylum for Teaching the Deaf and Dumb, Bowman's Creek Post Office, Montgomery County, New York; to James Harlan, secretary of the board of trustees of the Kentucky Asylum for the Tuition of the Deaf and Dumb, Danville, Kentucky; to the New York Institution for the Instruction of the Deaf and Dumb, New York (New York Asylum for the Deaf and Dumb); and to the Connecticut Deaf and Dumb Asylum, Hartford. The Central Asylum had been founded at Canajoharie, New York, in 1821 and was merged with the New York Institution in 1836.

Harlan, born in Mercer County, Kentucky, had been employed in a mercantile firm from 1817 to 1822, had been admitted to the bar in 1823, and had opened practice at Harrodsburg. From 1829 to 1834 he was a State prosecuting attorney, from 1835 to 1839 a Congressman, from 1840 to 1844 secretary of state for Kentucky, in 1845 a member of the Kentucky House of Representatives, from 1850 to 1854 State attorney general, and from 1861 to 1863 United States attorney for the District of Kentucky. He served as secretary of the Kentucky Asylum from 1823 to 1834.

APPLICATIONS, RECOMMENDATIONS

May 2, 1826

Mark Hardin, Shelbyville (Kentucky), seeks appointment if Kentucky is to have "another Marshall." Notes that he has "been waiting for some time, to hear of ... [the] judicial bill passing." ALS. DNA, RG59, A. and R. (MR1).
From James Fenimore Cooper

Sir,

New-York May 3d. 1826.

In consequence of having determined to leave home early in the month of June, I presume on your permission to remind you of my request, a few days sooner than the time you were good enough to name—

May I recall Lyons to your recollection. The situation is in some degree mercantile but should there be nothing in which it might be thought I could serve the Government, it would answer all my views to fill such a Consulate—

If nothing unforseen [sic] occurs I shall sail for London on the first of June. My Stay in England will not exceed ten days, after which I shall proceed direct to Paris. If I can be of the smallest service to you, in either place, as a public messenger or as a private agent I beg you will command me.

With much respect, and with a grateful remembrance of your kindness I remain, Sir, Yours

JAMES FENIMORE-COOPER—

To The honorable Mr Clay—

ALS. DNA, RG59, Misc. Letters (M179, R64). See above, Clinton to Clay, March 4, 1826; below, Clay to Cooper, May 26, 1826. Cooper was about to begin in Europe a period of residence which lasted to 1833.

From Albert Gallatin

Hon. Henry Clay Secretary of State

Dear Sir

Private

Baltimore 3d. May 1826.

I have just received your letter of yesterday. A special mission to England suits me far better in every respect than the appointment of resident minister,1 which to that country is ruinous: and to abandon it on that account at the end of one year, though Mr King does it, would be unpleasant. There are other reasons for my preference, with which I need not trouble you. It appeared to me when at Washington that, although an extraordinary mission may fail, that course, apparently agreeable to the British Govt., was also that which promised the best chance of success. And who ever may be contemplated as Mr King's successor, it is hardly possible that one can be found who will not be better disposed to act in concert with me than Mr. K. would have been. I think that you will agree with me that in that case I should be first named in the special mission. To Mr K. I must necessarily have yielded he being an older public servant than myself.
From Christopher Hughes

My dear Sir,

Baltimore 3d. May; 1826. 11, OClock AM.

We are on the point of embarking; our baggage is on board, and we expect a summons every minute, to repair to the Ship. Under such circumstances, I have only time to bid you adieu; I need say nothing on the subject of my grateful feelings for your friendly concern in my interests and welfare, during this winter; I shall endeavour to deserve a continuance of your friendly regard for me! Mrs. Hughes unites with me in our best wishes, & farewell to Mrs. Clay! Mr. Connell called to see me this morning; & I gave him my verbal messages for you; not thinking, at the time, that I should be able to write; but the wind has delayed us a few hours! I wrote to Mr. Brent, to say, that yesterday would be the last day; but I have not received any letters from the Department: if they do not come by to-day's Mail, they will arrive at Brussels, as soon as I shall, provided you will direct them to be sent to R. G. Beasley, Havre, by the next Packet. I wish this very much; as it will give a relief to my first meeting with the Minister of Foreign affairs, if I have a few lines to hand him, from you; and I know, that it would be regarded as a welcome attention on the part of our Government.

Adieu, my dear Mr. Clay; think of me always affectionately, & believe in the devoted friendship of Yrs. ever & respectfully

Honble. Henry Clay Washington

C. Hughes.
happiness & Strength to meet your numerous enenies [sic]— with respekt [sic] Your friend,

S Rensselaer


1 No earlier letters from Van Rensselaer have been found.

2 The letter, from Martha Jefferson (Mrs. Thomas M.) Randolph, has not been found. On Jefferson's financial difficulties, cf. above, III, 280-81. In the months preceding his death subscriptions amounting to around $20,000 for his relief had been raised in New York, Philadelphia, and Baltimore. These sums, however, as well as supplementary donations voted by several State legislatures in 1826-1827, were insufficient to meet the indebtedness of $107,273.63. Congress in February, 1827, approved legislation (4 U.S. Stat., 205) authorizing a lottery to raise the necessary funds, but none was held. The executors sold the personal property in 1827-1828 and the estate of "Monticello" in 1829. Niles' Weekly Register, XXXI (September 30, 1826), 80; Randall, Life of Thomas Jefferson, III, 565; Nathan Schachner, Thomas Jefferson, a Biography (2 vols., New York, 1951), II, 1007.

3 Probably of Rensselaer County, New York. He did not receive an appointment.

4 Probably William A. Duer.

INSTRUCTIONS AND DISPATCHES

May 3, 1826

To James Brown, no. 5. States that the President consents to Brown's "leaving Paris in the month of July or August," for not more than "four or five weeks." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 31 (M77, R6). ALS draft, in DLC-HC (DNA, M212, R7). Cf. above, Brown to Clay, March 22, 1826.

To Alexander H. Everett, no. 6. Notes that, in his dispatch to Everett of April 13, he had "stated that some objections existed to the project of a Convention which . . . [Everett] had presented to the Spanish Government" (see above, Everett to Clay, December 2, 1825); states that they probably would have been caught by Everett himself "in the progress of the negociation, and been corrected in the draft prepared for signature"; specifies the objections in detail. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 31-33 (M77, R6). ALS draft, in DLC-HC (DNA, M212, R7).

MISCELLANEOUS LETTERS

May 3, 1826

From William L. Brent, "House Rep." Transmits, for "The Committee of Ways & Means," a resolution of the House of Representatives and requests "any information . . . touching its object." ALS. DNA, RG59, Misc. Letters (M179, R64). The resolution, dated April 20, instructed the committee "to enquire into the expediency of making an Appropriation to pay the balance of the claims due the inhabitants of West Florida, now a part of the States of Louisiana and Mississippi . . . under . . . the act of the 18th April, 1814." The act had provided that the Secretary of State liquidate claims of these inhabitants "for advances by them made for the use and benefit of the United States, prior to, and since, the taking of possession of" this territory. 6 U.S. Stat., 139.

APPLICATIONS, RECOMMENDATIONS

May 3, 1826

James R. M. Bryant, Washington, recommends John M. S. McCorkle of Greensburg, Kentucky, "for a clerkship in the Department of State." ALS. DNA, RG59, A. and R. (MR3). Bryant, born in Pennsylvania, was a clerk in the
Treasury Department from 1821 to 1835. McCorkle, who did not receive the appointment requested, later became the first president of the Greensburg branch of the second Bank of Kentucky (chartered in 1835) and, in 1851, grand master of the masonic lodge. He resided in Louisville after 1850.

James Graham, Washington, solicits public employment; states that, beginning in 1813, he gave seven years of “laborious and confidential service” to the Government. ALS. Ibid. (MR2). Graham, not further identified, received no appointment.

George Greer, Baltimore, encloses a letter (from Andrew Armstrong); states that its writer “must have strangely misconstrued the meaning of any” statement made to him by Greer; adds that “Mr. A. means well,” that Greer would “be pleased” at his “getting a situation at home,” but that Greer would not recommend “him as a fit person to represent” the country abroad “—Not even again in St. Domingo. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64). Encloses an extract from a letter written by a British merchant in Aux Cayes, concerning conditions there, and the letter, dated at Washington, April 26, in which Armstrong requests a letter of recommendation from Greer to Clay.

From Henry Toland

Henry Clay Esqr/

Philada. May 4th 1826.

I am afraid that I have already been considered by you, as troublesome, in writing you so frequently, and recommending [sic] to you, so many different persons.¹— It is generally known here, that I am known to you, and therefore I am called on very frequently by our Citizens, to give them letters &c &c, and when the application is respectable, it is difficult to refuse.— I would be very glad if your own goodness, would find an apology for me, as I am at a loss to come at one, which is altogether satisfactory to myself.—

[He has “this moment been called on by Mrs Lister, and Mrs. Smith,² . . . both, formerly of Shepherds town, Virga.,” begging him to write Clay “in favor of their Brother, Mr Saml. Marks, of Alexandria, Virga. . . . an applicant for a situation in the Post office Dept.”³ He praises Marks, who “has a numerous, and most respectable Connection, both in Virgininia [sic], and this place.” Solicits an appointment, in Clay’s department or some other, for his own father-in-law, “Mr Huston,”⁴ who “is now advanced in life, but looks still like a young man,” and “is perfectly Competent to any situation. . . .”]

I must again ask you to find an apology for me, I feel that I am intruding too much upon you.

I need not add, that If it is in my power to serve Mrs. Clay or your good Self, in any way, in this place, that I will be most happy in doing so. I am very truly and respectfully Henry Toland

INSTRUCTIONS AND DISPATCHES

May 4, 1826

From Heman Allen, Valparaiso, no. 31. Reports renewed effort on his part, still unsuccessful, "in the case of the Macedonian" (see above, Allen to Clay, June 24, 1825); encloses copies of the correspondence. Encloses also copies of correspondence relative "to the transhipment [sic] and deposite of supplies in the ports of Chile, for the use of our ships of war on this station, with a decree on that subject" by which "all friendly nations are placed on an equality" and "the transit duty . . . reduced . . ." Argues at length that, since the American naval squadron has been operating off Peru for the last two years, there is no reason to keep "our agency and deposite" on the coast of Chile, 1500 miles away. Refers also to the trifling importance of United States trade with Chile, because of that country's policy of governmental monopoly (estanco) fostered by exactions equaling the whole cost of transportation there. Notes that he has received nothing from the State Department since his arrival and is "entirely unacquainted with the views of the government" relative to himself or his mission. ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Recorded as received October 19; endorsement on enclosure notes that it accompanied a duplicate. On September 30, 1826, Daniel Brent, as "directed by the Secretary of State," transmitted to Charles Hay, in the Navy Department, an extract from Allen's dispatch "under date 4 May 1826." Ibid., Dom. Letters, vol. 21, p. 387 (M40, R19).

From Thomas L. L. Brent, Lisbon, no. 21. Reports that (Frederico) Torlade de Azambuja has prepared "another memoir . . . respecting the projected Convention . . . between the United States and Portugal"; notes that Torlade's "departure for the United States will be delayed for some months"; cites "very good authority" for a report that the new government wishes to negotiate a new commercial treaty with England. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received June 22. Cf. above, Brent to Clay, October 28, 1825.

MISCELLANEOUS LETTERS

May 4, 1826

From Edward Barry, Philadelphia. Transmits a petition to be laid before the President; requests, should it not be granted, "a suspension of . . . further proceedings until" the wish of the Colombian Government can be known. ALS. DNA, RG59, Notes from Colombian Legation, vol. 1, pt. 2 (M51, R2). Barry states in the enclosure that, in the case involving Hilario de Rivas y Salmon and Juan Gualberto de Ortega (see above, Salmon to Clay, September 19, 1825), he had become bound for the appearance of Ortega. When the latter was called, following a decision of the Supreme Court on the question of jurisdiction, he failed to appear, having left the country; and "process" was ordered against Barry "on his said recognizance." Barry now requests intervention by the President to stop the proceedings.

From Alexander Macomb, "Engineer Department." Reports that two letters, dated May 1, to Clay "from Mr. Harris, and Mr. Kerr, of Richmond, upon the subject of obtaining a Cadet-appointment for Benj. James Harris, . . . referred
to the Secretary of War [James Barbour], have been referred by him to this Department to be filed, with his direction to say . . . , that all the appointments from Virginia have been made for the year . . . ." Promises that the application will be "considered at the proper time." ALS. DNA, RG59, Misc. Letters (M179, R64). The cited letters, probably from John Harris and John Kerr, have not been found. Kerr, born in North Carolina and licensed as a Baptist minister, had served in Congress from 1813 to 1817 and was now pastor of the First Baptist Church in Richmond. Young Harris did not receive the desired appointment.

From Edward Wyer, New York. Reports that, for lack of a vessel bound for the Baltic, he will proceed by way of England. Offers to delay his departure if Clay wishes to send despatches to (Rufus) King, who, as Wyer has learned from C(harles) King, "is coming home." ALS. DNA, RG59, Letters from Bearers of Dispatches.

Four days later Daniel Brent replied that Clay wished Wyer "to lose no time in reaching St. Petersburg, and delivering the despatches . . . to Mr. [Henry] Middleton." Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 67 (M77, R6).

APPLICATIONS, RECOMMENDATIONS

May 4, 1826

James Leander Cathcart, "2nd. Comptrollers Office Washington," solicits appointment as translator "& to do any other duty that may be required in the office"; requests also the appointment of his son as "Junior Clerk" to replace himself in the Second Comptroller's Office. Encloses copies of a letter written in behalf of the elder Cathcart by (Thomas) Jefferson to James Barbour (dated January 20, 1824) and a statement that he has performed satisfactorily the duties of the position he has held for the last two years. ALS. DNA, RG59, A. and R. (MR1). James Leander Cathcart, born in Ireland, had come to America as a child, had served in the Continental Navy during the Revolution, and had then been taken prisoner by the British. Escaping in 1782, he had entered merchant service until he was captured by Algerian "pirates" in 1785. Though sold into slavery, he rose through various clerical offices to a position of some influence. He claimed to have acted in arranging for release of American captives in 1795, and he was named American consul to Tripoli in 1797. His service in this last connection, having been interrupted by the outbreak of the Tripolitan War, Cathcart became American consul at Madeira from 1807 to 1815 and at Cádiz from 1815 to 1817. He was a government agent assigned to check timber depredations in Florida from 1818 to 1820 and a clerk in the Treasury Department from 1824 to 1844. He had twelve children, none of whom received Federal appointment at this time.

George Graham encloses "Letters of recommendation from Judge [Bushrod] Washington in favor of Mr. [Benjamin Fuller] Herbert . . . . , a young gentleman well qualified to fill the situation of Secretary to a Legation. . . . ." ALS. Ibid. (MR2). Two of Judge Washington's letters, dated March 6, 22, 1826, were addressed to Graham; the third, dated October 28, 1825, to Daniel Brent. Herbert, member of a prominent family of Alexandria merchants, received no appointment.

James Graham, Washington, requests employment. ALS. DNA, RG59, A. and R. (MR2). This letter is to a large extent a duplicate of Graham's application of May 3.
JOSEPH HEMPHILL and others, Washington, recommend John Graeff, Jr., "In the event of additional Clerks being appointed for the State Department..." LS, signed by 18 members of the Pennsylvania Congressional delegation. DNA, RG59, A. and R. (M531, R3). Unaddressed. Cf. above, Graeff to Clay, December 31, 1825, note.

F. H. Pettis, Washington, solicits appointment as a clerk in the State Department. ALS. DNA, RG59, A. and R. (MR3). Pettis, not further identified, received no appointment.

To Nicholas Biddle

Dear Sir

Washington 5th. May 1826

I have to thank you for your answer to my letter in respect to a Loan for the canal in Ohio. I omitted to state, in my letter, that if the Bank acceded to the wishes of the State of Ohio, an authority from Congress to make the loan would be applied for, and I had no doubt could be obtained. It appeared to me that it might be the interest of the Bank to take a stock yielding a certain interest of six per Cent, and that it could subsequently dispose of it, in better times, if it should desire to convert it into a more active fund. In taking another view of the matter, as the Board is much more competent to decide than I am, I must suppose they have decided wisely. With great respect I am Your ob. Servant

H. CLAY

Nicholas Biddle Esqr. &c &c &c

ALS. OHi. Endorsed: "... recd. May 8, 1826."

1 Above, April 26, 1826. Biddle's answer has not been found.

To Albert Gallatin

Albert Gallatin Esq. Baltimore. (private)

Dear Sir

Dept of State, Washn, 5th May 1826.

I must have expressed myself ambiguously in my Letter to which yours of the 3rd instant is an answer, or you misunderstood me. The President does not intend to appoint more than one Minister to England, and he wishes to confide the entire business of the Mission exclusively to you; but at the same time it will not be expected or required that your residence in England should be extended beyond the period necessary for concluding the important negotiations with which you will be charged. Your Commission will be that of Envoy Extraordinary and Minister Plenipotentiary. In this view of the matter it may not be of any Consequence, whether it is called a special Mission, or not; and it will not be expected that you should make in England a permanent Establishment. Those who have experience can well appreciate your
MAY 5, 1826

remark, of the ruinous expenses of such an Establishment, with
the incompetent allowance which the Law authorizes.

It is usual, in nominations to the Senate, to mention the State
to which the person nominated belongs, and it would be remark-
able, if, in that particular, there were any omission. The President
will state you to be of Pennsas unless you have another wish, under
the impression that you have not yet become, whatever may be
your final intention, a permanent Resident of Maryland.

I am, respectfully, your Obedt Servt. H. CLAY

LS. NHi-Gallatin Papers (MR13). ALI draft, in DLC-HC (DNA, M212, R7); copy,
in DNA, RG59, Dip. Instr., vol. 11, pp. 33-34 (M77, R6).

1 In a letter of May 12, 1826, to an unidentified correspondent, Gallatin summarized
these assurances and explained that because of them he had accepted the assignment.
He continued: "But my nomination has been made merely as successor to Mr. King,
and the circumstances above mentioned are not publicly known. I now mention them
to you in confidence in order to remove your apprehension of another long absence.
This cannot last longer than a twelve-month." Quoted in Henry Adams, The Life of

2 Gallatin had moved his family to Baltimore for the previous winter. Ibid., 612.

To John Sergeant

John Sergeant [sic] Esquire, appointed Envoy Extraordinary
and Miniser Plenipotentiary U.S. to the Congress at Panama.
Sir
Department of State Washington 5 May 1826.

The Bill appropriating money to defray the expenses of the
Mission to Panama, having finally passed, it becomes necessary to
decide the period of your departure on that service. The President
is sensible that the advance of the year will expose you to some
degree of hazard in passing across the Isthmus, so as to reach the
point of your destination; and he would willingly postpone your
departure, if it could be done consistently with the public interests,
and arrangements which have been made. But it is probable that
all the Representatives from the other American Powers have,
before this time, assembled at Panama, and that your presence is
expected. Mr. Anderson, too, has been instructed to repair from
Bogota to Porto Bello, to await there or in that neighbourhood,
your arrival, and he will, most likely get there before you, if you
were to sail immediately. Under these circumstances, it is desirable
that you should make immediate preparations for the voyage, and
the hope is indulged that it may be performed, and your subsequent
journey on land accomplished, without prejudice to your health.
The Lexington, now lying at New York is to receive you, and
will be ready to proceed to sea in eight or ten days. Your Instruc-
tions have been prepared, and they will be copied and the other
papers completed in a few days. It is not necessary that you should
SECRETARY OF STATE

visit Washington, unless you desire it; but if you wish to be here, prior to leaving us, you may come to the City as soon as you please, after the receipt of this letter. If, during the voyage, or upon your arrival at Porto Bello, you should become satisfied that the danger to your health of immediately proceeding to Panama will be too great, the Captain of the vessel will be instructed to convey Mr. Anderson and yourself, and the gentleman attached to the Mission to some convenient, healthful point, where you can remain until you can proceed in safety. And, in the mean time, you can notify the Ministers of the other Nations at Panama of the cause of your detention, and communicate to them your assent to a transfer of the negotiations to some other more healthful and eligible place, if they should be disposed to concur in such an arrangement.—

I am, respectfully, your ob. Servt.

H. CLAY.

Copy. DNA, RG59, Dip. Instr., vol. 11, p. 34 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

1 See above, Clay to Anderson, March 15, 1826, note.
2 See above, Clay to Anderson, March 15, 1826.
3 Of the United States Navy, an eighteen-gun sloop, built at New York in 1825.
4 See below, Clay to Anderson and Sergeant, May 8, 1826.
5 William Branford Shubrick, born in South Carolina, had joined the Navy as a midshipman in 1806, had served in the War of 1812, when he had risen to a first lieutenancy, and now held rank as a master commandant. He remained in the Navy until 1861, when he was retired as a rear admiral.
6 William B. Rochester.

To William Wirt

To William Wirt, Esq. Attorney General.

Sir, Department of State. 5th. May 1826.

I have the honour to request as soon as may be convenient, your official opinion on the following case.

[Refers to the controversy between the United States and Great Britain that led to the St. Petersburg Convention; notes that the first article of that convention provided for the appointment of two Commissioners, and two arbitrators; and quotes the fifth article.]

You are aware that Commissioners and arbitrators have been appointed, in pursuance of the Convention, and that they are now in Session in the City of Washington.

In the execution of the Commission, the two Commissioners have differed in opinion on the point whether interest ought, or ought not to be allowed upon the value which may be adjudged to each claimant, for the amount of his property taken away in contravention to the Treaty of Ghent, to be computed from the time of its wrongful deportation. The American Commissioner believes that the indemnity awarded by the Imperial decision, and for which the Convention stipulates, comprehends interest as a
just and necessary part of it— The British Commissioner, on the contrary, contends that interest is no part of the indemnity, and that it is not included in the Convention— Thus disagreeing, the American Commissioner has offered, and the British Commissioner has refused to refer the question to the arbitration of the Convention. We are informed that the Law officers of the British Government have given an opinion, sustaining that of the British Commissioner.4—and my wish is to obtain your official opinion in the case. It may be proper for you to consider two questions.

1st. Is interest a part of the indemnity awarded by the Emperor?5

2ndly. Is the refusal of the British commissioner to refer to the arbitration of the Convention the disagreement between him and his American associate, on the point of interest, warranted by the Convention.

I have the honour to be with great Respect Your Obedient Servant,

H. CLAY

LS. DNA, RG60, Letters Received from the State Dept.

1 Cf. above, III, 736n. 2 See above, Clay to King, May 10, 1825.

3 Langdon Cheves; George Jackson.

4 See above, Vaughan to Clay, April 2, 1826 (2).

5 Alexander I.

From G[eorge] G[raham]

Hon Henry Clay. 5th May [1826]

Sir. I have the honor to enclose herewith a patent in your favor in trust for the Heirs & Legal Representatives of James Morrison, in the right of John Ascitz under Antoine Saugrain1 founded on the Certificate No 1029. of the Recorder of Land Titles at St Louis, for Survey No. 1730. I am &c.

G. G.


1 Cf. above, Graham to Clay, March 27, 1826. Antoine François Saugrain de Vigni, born at Paris in 1763, had visited the United States in 1787-1788, seeking a suitable site for a French settlement, had returned to America with the Gallipolis colonists in 1790, and, after spending some six years with that group, had moved on to St. Louis in 1800. He had then been appointed post surgeon by the Spanish authorities and from 1805 to 1811 had held a commission as an army surgeon under the United States. He had died in 1820.

From Ralph [I.] Lockwood


Dear Sir,

In consequence of an expectation in Connecticut that Mr. Huntington, the present District attorney of the U. S. in that district was to be removed,1 I have been solicited by different in-
dividends to present their names to you as candidates for the vacancy if it should occur. As I could not flatter them or myself with the idea that my influence would promote their views, I had determined to give you no trouble in relation to this affair, in case of a vacancy. I should have adhered to that determination, if a gentleman who has every claim on my friendship and regard, personally and politically had not, at length, requested of me the same favor.

[Recommends for the position Ebenezer Seeley, of New Haven, a lawyer, "30 to 35" years old, "... sincere and zealous friend of" Clay.]

It is with great pleasure that I have complied with his wishes as soon as communicated to me, though with great regret that I take the liberty to trouble you with any application of this nature, especially in relation to an office in a State which I have ceased to reside in for 3 years. I pray you to pardon the freedom I have used and to accept the assurance of the high respect with which I have the honor to be, Sir, Your obt. Servant RALPH LOCKWOOD

ALS. DNA, RG59, A. and R. (MR3).

1 Hezekiah Huntington, descendant of a pioneer family of Norwich, had held this office since 1805. Now aged 67, he was not replaced until 1829.

Bill from Nathan Sharp

Union Village May 5th. 1826

The Hon. H. Clay Dr To Nathan Sharp
To 1 square slab, stone Tomb, for daughter's Grave, making & Lettering $ 55 00
To Hauling same to Lebanon & putting up $ 3 00

ROBERT WILLISTON, Sculptor

DS by Williston. DLC-HC (DNA, M212, R2).

1 Eliza Clay.

From Henry R. Warfield

Frederick Town 5 May 1826

My dear Sir—

I Shou'd have written to you before this, but have been Confined to my room for upwards of three weeks by severe indisposition—We however See by the papers, and hear Every day, of the movements in the Imperial City— I very Cordially congratulate you on the termination of the business with Randolph1— If the previous direction of the Affair had have been left to my management, it shou'd have happened precisely as it did. It has had a Salutary Effect. not only in checking Randolphs vituperations, but in many other respects— Your friends here with One Voice insist on the indispensible [sic] necessity of the act— your Enemies, for some you have, are Cautious and reserved in their remarks— I feel a
MAY 5, 1826

deep interest for Trimble; we have always been on the most friendly terms, and I consider him a worthy fellow— So far as I understand the business he has acted a firm and manly part— I trust he will hold out to the last— as to Duelling, why it is a thing about which people may theorise and moralise as much as Suits their Convenience— They Say it is an Evil— So it is— But it is the only corrective of Some mens Evil propensities— It is the only remedy which in many cases can be applied, and he who declines the application of it when necessary is not calculated to get through this rugged and Jostling world

As to Calhoun, his fate is sealed His fall is as Certain, as inevitable as death itself, and it will be a fall like Lucifers, never to rise again— As to his apology, under the Construction he gives to the rules of the Senate, why it is puerile and preposterous; but it Evinces clearly the workings of a guilty Conscience8— As I am speaking of him I will mention an anecdote which John Nelson told me on his return this winter from Washington— He Says that in a Conversation he had with Calhoun—Calhoun remarked to him, that you had Endeavoured to take to yourself the Exclusive merit of the recognition of the Independince [sic] of the South American States,—that the Cabinet had determined on the measure— The only difficulty was the point of time— That your course reminded him of the Conduct of a Farmer who insisted on the neighbours sowing their grain in January— They objected and Said it was too Soon— He continued each succeeding month to insist on their sowing their grain, which they declined; until the proper period arrived, and when the Crop turned out prosperous and abundant, he claimed all the Credit of it because, he was the first who, insisted on its being Sowed— I told Nelson that even if the fact was So; I thought the effort at illustration rather a Silly one for a Vice President

With regard to the Mission to Sweeden,4 altho' it wou'd have been most agreeable to me, yet I am persuaded weighty reasons, prevented my obtaining it— In a letter to my friend Genl. Van Rensselaer5 I intimated my wish, and received from him a kind & most friendly answer—

As your time is always much more usefully and agreeably Employed, than it can possibly be in reading any thing from my pen I will only Say that I am truly and unalterably your Friend Honbl. Mr. Clay—

HENRY R. WARFIELD

After finishing, this letter I observe by a paper Just handed to me that Mr. King6 has resigned his appointment as Minister to England— and Jesting apart, I insist on that Mr. Adams will not nominate me as his Successor— As it wou'd be Vastly inconvenient for me to attend to the discharge of duties that must have fatigueing [sic] Even to Mr. Rush7

H. R. W.
MISCELLANEOUS LETTERS

May 5, 1826


On May 10 Daniel Brent replied, by direction of the Secretary, “that the Executive authorities of both Countries consider” the treaty “as in full force” and that he presumes “the Convention concluded on the same day” to stand “on the same footing; altho’ it is not known to have been formally or informally recognized during the existence of the actual Government of the Netherlands.” Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 314 (M40, R19).

APPLICATIONS, RECOMMENDATIONS

May 5, 1826

Cornelius Comegys, Philadelphia, solicits “again” an appointment for his son, “recently recommended”; notes that the son “has a Wife & two Children”; and adds: “the State of Trade is so languishing at present I dare not place him in business.” ALS. DNA, RG59, A. and R. (MR1). No earlier recommendation from Comegys has been found. The son was probably William H. J. Comegys. Cf. below, Clayton to Clay, February 9, 1827.

From Moses Tabbs

Indianapolis May 6. 1826.

I take the liberty of transmitting the inclosed paper¹ to you, as the official organ of communication with the Executive upon the subject to which it relates. I know not how far its object may accord with the views of those who have the power of appointment,
but should it have no other effect it is certainly a merited tribute to the exalted worth of our mutual friend—

The details of your late meeting with Mr. Randolph² have reached us; and although we regret the extremity which demanded a resort of this nature, we find every consolation we could wish in its honourable result so far as concerns yourself. We are willing to own that there is a point of aggression at which moderation ceases to be a virtue and the dignity of nature propels to resistance, and considering you in this attitude, we can see nothing in the elevation of your station which should deprive you of your undoubted right to defend your honour as a man. The violence of your enemies can not fail in process of time to produce a reaction upon themselves, and your friends in this quarter would deplore any occurrence [sic] which might operate to postpone that event.

With sentiments of the most exalted regard, I have the honour to remain Your Obt. Sevt.

Moses Tabbs


1 The enclosure is a recommendation bearing 31 signatures, most of them identified as members of the Indiana bar practicing before the State Supreme Court, in support of Benjamin Parke for appointment as Federal circuit judge. On the failure of Congress to create the anticipated judgeship, cf. above, Hammond to Clay, January 4, 1826, note.

2 See above, Randolph to Clay, April 1, 1826, note.

INSTRUCTIONS AND DISPATCHES

May 6, 1826

From [ohn] M. MacPherson, Cartagena. Notes that, though there has been no “arrival from the north” for a period of two months, he has “received by way of Jamaica” newspapers, now sent on to (Richard C.) Anderson (Jr.), containing “the decision of the Senate respecting the Panama Mission ...” (cf. above, Clay to Anderson, March 15, 1826).

Reports the “feeling of profound sorrow and discontent” aroused “in this place” by receipt of news “of the failure of the mercantile House of Messrs. B. A. Goldschmidt & Co. of London,” contractors for a loan recently negotiated by representatives of Colombia in a manner that aroused criticism among the firm’s competitors and the Colombian people. Notes reports “that the Public had lost by the event” $2,500,000. Expresses apprehension that the embarrassment to the Colombian Government will “retard the great object of this Country in obtaining a peace with Spain ...”. Explains the chaotic financial condition of the state: expenditures far in excess of revenue, the impossibility now of obtaining foreign loans, and the futility of attempting “to make up the deficiency” by taxation.

Points out “that the failure of the Contractors, has caused a decrease to the Colombian Navy of a line of battle ship and a frigate, which ... puts the long-talked-of invasion of Cuba, out of the question, at least for the present.” Cites the difficulties experienced in connection with the two vessels, originally purchased in Sweden (cf. above, Hughes to Clay, July 8, 1825, note) and not yet fit for service, as an example “of those glaring impositions, to which this unfortunate Country ... has been subject, from its dishonest agents, as well natives as foreigners.”
Notes "a report of a Spanish naval force being to windward" and expresses a hope that "there is a man of war on the coast to look after the interests of our Merchants."

Comments critically, and at length, on the Colombian people. Reports complaints from "several Citizens of the United States," serving on Colombian vessels, that they have received no pay. States that he fears "redress . . . out of the question" and he hopes to "procure the discharge of the men." LS. DNA, RG59, Cons. Disp., Cartagena, Colombia, vol. 1 (M-T'192, R1). Received: "June."

From [JOEL] R. POINSETT, Mexico, no. 43. Cites Washington newspapers of March 28 and 30 relative to the debate on the (House) resolution (of March 27, 1826—cf. above, Clay to Adams, March 29, 1826) and declares that in his remarks, made in a "conference with the Mexican Plenipotentiaries," he "alluded only to the Message of the President of the United States to Congress in 1823" (the Monroe Doctrine). Reports that, although it is understood in Mexico "That the people of the United States are not bound by any declarations of the Executive," he has, "in order to correct any erroneous impression," explained the "precise meaning" of the statement. Adds that "Don José Ignacio Esteva . . . replied, that he had so understood it, but it was not thought by the Mexican Plenipotentiaries at the time, that such a disposition, nor even a more solemn pledge so to act, entitled us to any special privileges, as it was so obviously the interest of the United States to assist in defending the Americas against the attacks of United Europe." LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Published in American State Papers, Foreign Relations, VI, 365-66. Received June 17.

From CONDY RAGUET, Rio de Janeiro, no. 9. Notes receipt in Rio of news of the death of the King of Portugal (John VI). Lists three documents issued by the Emperor (Peter I), as King of Portugal (Peter IV): a decree "confirming the Regency, created by his Father" (see above, Brent to Clay, March 6, 1826), a decree of amnesty, and "An Act of abdication, . . . of the crown of Portugal . . . in favour of his eldest daughter, the Princess Donna Maria da Gloria, upon condition, that his brother Don Miguel, shall marry her, and that the Portuguese Nation shall accept . . . a Constitution, granted to it, by His Majesty, as King of Portugal, under date of 29 April." Adds: "It is said, that Sir Charles Stuart is to sail in a few days for Lisbon, probably with the view of sustaining this arrangement." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 4 (M121, R6). Received July 28.

Maria da Gloria, then seven years old, was married, by proxy on November 29, 1826, to her uncle, Miguel, who, as a champion of absolutism, had been forced into exile after John VI, his father, agreed to uphold the constitutional regime established in Portugal during his absence in Brazil in flight from Napoleon. Miguel was named Regent in 1827, returned to Lisbon in February, 1828, but in July of the latter year assumed the throne and overthrew the constitutional government. The civil war which ensued was not terminated until 1834, when Miguel capitulated and Maria da Gloria assumed the throne, as Maria II, pledged to defend the constitution. Miguel again went into exile, in Germany.

From W[ILLIAM] TUDOR, Lima, no. 38, "Confidential." Acknowledges receipt on May 3 of the letter of July 11 (1825), which "remained upwards of five months with the Collector of New York." Reports that he "immediately addressed a letter to the Minister of Foreign Affairs [Hipólito Unánue], relative to the seamen impressed" and was assured "that instant inquiry would be made for them."
Notes that the Liberator (Simón Bolívar) has agreed "to retain absolute power for another year"; that (José María de) Pando, to be Minister of Foreign Affairs (see above, Tudor to Clay, February 28, 1826), arrived two days ago from Panama; that "a temporary ill humor" has developed between British naval officers and Peruvian officials; and that two American naval vessels are in the Bay of Callao, but no account has been received from the Dolphin (cf. above, Tudor to Clay, April 9, 1826). ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received August 23. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1791.

The letter of July 11, 1825, written by Daniel Brent, at the direction of the President, in Clay's absence, transmitted a "copy of the Petition of John Krueger, of Boston, setting forth the circumstances of the forcible detention of John Krueger, junr., his son, William Wyatt, and sixteen or eighteen other American citizens on board" a Peruvian naval vessel "and praying that measures may be taken . . . to effectuate their discharge." Tudor was instructed "to adopt such measures as may appear . . . best calculated to accomplish that object. . . ." Copy. DNA, RG59, Cons. Instr., vol. 2, p. 362 (M78, R2).

Tudor was unaware of the fact that Brent had also written to Isaac Hull, who, in reply on May 6, 1826, stated that Krueger's son and "several other American Citizens" had already been discharged from Peruvian service on the application of American naval officers. "John Krueger," whose release had been secured almost a year earlier, and William Wyatt were, when Hull wrote, serving aboard an American naval vessel. Hull to Brent, May 6, 1826 (and enclosures). LS. DNA, RG59, Misc. Letters (M179, R64).

From John Williams, Guatemala. Reiterates information sent from Havana (above, April 10, 1826) relating to arrangements for John Marshall "to convey to the United States our treaty with the Republic of the centre." ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received August 9.

**MISCELLANEOUS LETTERS**


From John F. Dumas, Philadelphia. Submits claim, for $97,668.55, against France for two cargoes of cotton shipped from Philadelphia in 1809 and seized at San Sebastián. Adds that in 1810, "after the vessels had been safely moored in the harbour of St. Sebastians," the French had "ordered a new duty," amounting to $47,902.09 on the cargo. ALS. DNA, RG76, Claims Commissions, French Spoliations (MNP-8, R2). Dumas was a Philadelphia merchant.

From Stephen Pleasonton, "Treasury Department, 5th. Auditor's Office." In answer to Brent's letter (above) of May 3, "relative to the Claims of the Inhabitants of West Florida," encloses "a Report from the Register of the Treasury by which it appears that the aggregate [sic] amount of claims passed by the Accounting Officers was Doils. 67,481.12, of which 3,116.19/100 Dollars remain unpaid, for want of an appropriation." Notes that only one other claim has been presented, and it was rejected. Copy. DNA, RG217, Records of the Fifth Auditor, Letters Sent to Secretary of State, pp. 145-46. A copy, with minor variations, also located in DNA, RG59, Dom. Letters, vol. 21, p. 312 (M40, R19).
From John G. Robert, Richmond. Inquires "whether Alexander McRae Esqr. of this place sailed in the Crisis from London about the middle of January last for New York"; notes that the "uneasiness" of McRae's family "respecting him is very great"; extends compliments "to Mrs. Clay & family." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay on verso: "Mr. Brent will be pleased to ansr. this and give any information which is possessed about Mr. McCrae [sic] H C." See above, Claiborne to Clay, April 30, 1826, note. Robert not further identified.

From Samuel L. Southard, "Navy Department." Acknowledges receipt of a letter (not found) from J(ohn) Elliott, referred by Clay to the Navy Department; states that "The public interest does not require the appointment of either of the officers [not identified] at Savannah, mentioned by Mr. Elliott." Copy. DNA, RG45, Executive Letterbook, 1821-1831, p. 190.

APPLICATIONS, RECOMMENDATIONS

May 6, 1826

From Jacob Barker, New York, "Confidential." Recommends appointment of Ambrose Spencer as American Minister "at the Court of St. James"; asserts that, though Barker makes "no political professions of friendship to Mr. Adams," he believes this appointment would "weaken the opposition"; declares that "those men in this State who Sustained the Nation" during the War of 1812 "have been cast into the Shade," while those who opposed have been "honored, flattered & Coaxed"; contrasts "the conduct of the [Rufus] King's [sic] & others . . . with that of Spencer," who "gave his time, his pen, his eloquence, his purse," and his sons to the support of the war; and points out that the patriot "is bid to Stand aside & give place to those who belonged to that party which declared the war 'unbecoming a moral and religious people' &c." LS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Clay to Gallatin, May 2, 1826, note.

At least two of Spencer's sons were veterans of the War of 1812—William Ambrose Spencer, a naval officer, and John Canfield Spencer.

MISCELLANEOUS LETTERS

May 7, 1826

From Albert Gallatin, Baltimore. Observes that Clay's letter of May 2 had led him to think that the question of the nature of his appointment as Minister to England was still open and that he "answered accordingly" (above, May 5, 1826); gives his reasons for still believing "a special mission best calculated to insure success"; concludes by stating, however, his willingness to accept appointment as "only a successor to Mr. King, vested with powers to negotiate, . . . though with lessened hopes of success, . . . and with the understanding," expressed in Clay's letter (above, May 5, 1826), relative to his return. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29).

From Albert Gallatin, Baltimore. States that he forgot to say in his earlier letter of this date that, although he has lived in Baltimore six months, he should be nominated "as 'of Pennsylvania.'" ALS. Ibid. See above, Clay to Gallatin, May 5, 1826.

To Richard C. Anderson, Jr., and John Sergeant

No. 1. Instructions—General.

Richard C. Anderson and John Sargeant [sic] Esquires, appointed Envoys Extraordinary and Ministers Plenipotentiary U.S. to the Congress at Panama


The relations in which the United States stand to the other American Powers, and the duties, interests, and sympathies which belong to those relations, have determined the President to accept an invitation which has been given by the Republics of Colombia, Mexico and Central America to the United States to send Representatives to the Congress at Panama. He could not, indeed, have declined an invitation proceeding from sources so highly respectable, and communicated in the most delicate and respectful manner, without subjecting the United States to the reproach of insensibility to the deepest concerns of the American Hemisphere; and, perhaps, to a want of sincerity in most important declarations solemnly made by his predecessor in the face of the old and the new world. In yielding, therefore, to the friendly wishes of those three Republics, communicated in the notes of their respective Ministers at Washington, of which copies are herewith, the United States act in perfect consistency with all their previous conduct and professions, in respect to the new American States. The assembling of a Congress at Panama, composed of Diplomatic Representatives from independent American Nations, will form a new epoch in human affairs. The fact itself, whatever may be the issue of the conferences of such a Congress, cannot fail to challenge the attention of the present generation of the civilized world, and to command that of posterity. But the hope is confidently indulged that it will have other and stronger claims upon the regard of mankind, than any which arise out of the mere circumstance of its novelty; and that it will entitle itself to the affection and lasting gratitude of all America, by the wisdom and liberalty of its principles, and by the new guarantees it may create for the great interests which will engage its deliberations. On an occasion so highly important and responsible, the President has been desirous that the Representation from the United States should be composed of distinguished citizens. Confiding in your zeal, ability and patriotism, by and with the advice and consent of the Senate, he has selected you for this interesting service. And it is his wish that you should proceed, with all practicable dispatch, to Panama. For the purpose of carrying out Mr. Sargeant, the United States Ship, Lexington, has been prepared, and is now ready to sail from the port of New York to Porto Bello. Mr. Anderson, having been notified of his appointment has been directed to
leave the affairs of the United States at Bogota, in the charge of such person as he may, for that purpose, designate, and to join Mr. Sargeant at Porto Bello, from whence it is supposed that it will be most convenient to proceed, by land, across the Isthmus, to Panama. Ministers from several of the Powers have, probably, by this time, reached that place, and they may even have proceeded to a comparison of their respective credentials, and to conferences on some of the subjects of the Congress; but is [sic] probable they will have deferred, until your arrival, a consideration of those, in deliberations on which it was expected that we should take part.

Your Power, accompanying this Letter, is joint and several, authorizing you to confer and treat with Ministers, also duly authorized, from all, or any, of the American Powers, of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and other matters interesting to the Continent of America. After the mutual exchange of Powers, it will be necessary to determine the forms of deliberation, and the modes of proceeding of the Congress. It is distinctly understood by the President, that it is to be regarded, in all respects, as diplomatic, in contradistinction to a body clothed with powers of ordinary legislation; that is to say, no one of the States represented is to be considered bound by any Treaty, Convention, Pact, or Act, to which it does not subscribe, and expressly assent by its acting Representative; and that, in the instance of Treaties, Conventions and Pacts, they are to be returned, for final ratification, to each contracting State, according to the provisions of its particular Constitution. All idea is, therefore, excluded, of binding a minority, to agreements and acts contrary to its will, by the mere circumstance of the concurrence of a majority of the States in those agreements and acts. Each State will, consequently, be governed and left free, according to its own sense of its particular interests. All notion is rejected of an Amphyctionic [sic] Council, invested with power finally, to decide controversies between the American States, or to regulate, in any respect, their conduct. Such a Council might have been well enough adapted to a number of small, contracted States, whose united territory would fall short of the extent of that of the smallest of the American Powers. The complicated and various interests which appertain to the Nations of this vast Continent, cannot be safely confided to the superintendence of one Legislative authority. We should almost as soon expect to see an Amphyctionic Council, to regulate the affairs of the whole globe. But even if it were desirable to establish such a tribunal, it is beyond the competency of the Government of the United States, voluntarily to assent to it without a previous change of their actual Constitution. Although the speculation of such a
Council has been sometimes made, and associated, in public papers, with the contemplated Congress, we can hardly anticipate that it will be seriously pressed by any of the Powers. The Congresses which have been so common in Europe, especially within these later times, have been altogether diplomatic, and, consequently, the States whose Ministers composed them, were only bound by their signatures. With this necessary and indispensable restriction upon the action of the Congress, great advantages may, nevertheless, be derived from an assembly, at the same time and place, of Ministers from all the American Nations. Such an assembly will afford great facilities for free and friendly conferences, for mutual and necessary explanations, and for discussing, and establishing, some general principles, applicable to peace and war, to commerce and navigation, with the sanction of all America. Treaties may be concluded in the course of a few months, at such a Congress, laying the foundations of lasting amity and good neighbourhood, which it would require many years to consummate, if, indeed, they would be at all practicable, by separate and successive negociations, conducted between the several powers, at different times and places. Keeping constantly in view the essential character and object of the Congress, which have been described, it is not very important in what manner its conferences and discussions may be regulated. Experience has, perhaps, sufficiently established that for precision, for safety to the Negotiators themselves, and for an early practical result, it is wisest to proceed by protocol, in which the mutual propositions of the parties, together with such concise observations as any of them desire to have preserved, are carefully recorded. But you are left free to agree to that mode of proceeding, with the indispensable limitation before stated, which, under all circumstances, shall appear to you most advisable. Your power conveys an authority to treat, with all, or any of the Nations represented at the Congress, of any of the subjects comprised in your instructions. And on those, especially, of Commerce and Navigation, Maritime Law, and Neutral and Belligerent rights, it is the Presidents wish that, if those interests cannot be adjusted satisfactorily to all the attending Powers, you should form, nevertheless, treaties with such as may be disposed to conclude them with you. But, in the conduct of any such separate negociations you will carefully avoid giving any occasion of offence to those Powers who may decline treating. And, if you should have strong reason to believe that the fact itself of opening such separate negociations, would have the tendency of creating unfriendly feelings and relations with other American Powers, you will decline entering on them, altogether. You are, also, authorized to agree upon a transfer of the
conferences from Panama, to any other place on the American Continent, that may be considered more eligible for conducting them.\textsuperscript{10}

In now proceeding to direct your attention particularly to the Instructions of the President, by which, after having settled the preliminary point to which I have just adverted, you will govern yourselves, the first observation to be made is, that, in acceding to the invitation which has been accepted, no intention has been entertained to change the present pacific and neutral policy of the United States. On the contrary, it has been distinctly understood by the three Republics who gave the invitation, and has been enforced, on our part, in all our communications with them, in regard to it, that the United States would strictly adhere to that policy, and mean, faithfully, to perform all their neutral obligations. Whilst the existing war is limited to the present parties, it is as unnecessary, as it would be unwise, in the United States to become a belligerent. A state of things can hardly be imagined, in which they would voluntarily take part on the side of Spain; and on that of the Republics it would be entirely useless, since they have been, all along, able, unaided, triumphantly to maintain their cause, and to conquer the arms, if they have not overcome the obstinacy, of Spain. By maintaining the neutral position which the United States have assumed, they have been enabled to hold strong language to Europe, and successfully to check any disposition which existed there, to assist Spain in the reconquest of the Colonies. If they had departed from their neutrality and precipitated themselves into the war, there was much reason to apprehend that their exertions might have been neutralized, if not overbalanced, by those of other Powers who would have been drawn, by that rash example, into the war, in behalf of Spain. Keeping, therefore, constantly in view the settled pacific\textsuperscript{11} policy of the United States, and the duties which flow from their neutrality, the subjects will now be particularized which, it is anticipated, will engage the consideration of the Congress at Panama.

Those subjects may be arranged under two general heads—

I. Such as relate to the future prosecution of the present war with Spain, by the combined or separate operations of the American belligerents. And

II. Those in which all the nations of America, whether neutral or belligerent, may have an interest.

In respect to the first, for reasons already stated, we can take no part. Discussions of them must be confined to the parties to the war. You will refrain from engaging in them. You will not be expected or desired to do so. But whilst it has been perfectly understood that the United States could not, at the Congress, jeopard\textsuperscript{12}
their neutrality, they may be urged to contract an alliance, offensive and defensive, on the contingency of an attempt, by the Powers of Europe, commonly called the holy alliance, either to aid Spain to reduce the new American Republics to their ancient Colonial state, or to compel them to adopt political systems more conformable to the policy and views of that alliance. Upon the supposition of such an attempt being actually made, there can be no doubt what it would be the interest and bounden duty of the United States to do. Their late Chief Magistrate solemnly declared what, in that event, he considered they ought to do. The people of the United States acquiesced in the declaration; and their present Chief Magistrate entirely concurs in it. If, indeed, the Powers of Continental Europe could have allowed themselves to engage in the war, for either of the purposes just indicated, the United States in opposing them with their whole force, would have been hardly entitled to the merit of acting on the impulse of a generous sympathy with infant, oppressed, and struggling nations. The United States, in the contingencies which have been stated, would have been compelled to fight their own proper battles, not less so because the storm of war happened to rage on another part of this Continent, at a distance from their borders. For it cannot be doubted that the presumptuous spirit which would have impelled Europe upon the other American Republics, in aid of Spain, or on account of the forms of their political Institutions, would not have been appeased if her arms, in such an unrighteous contest, should have been successful, until they were extended here, and every vestige of human freedom had been obliterated within these States.

There was a time when such designs were seriously apprehended, and it is believed that the declaration of the late President to the Congress of the United States; which has been already referred to, had a powerful effect in disconcerting and arresting their progress. About the same period, Great Britain manifested a determination to pursue the same policy in regard to the new Republics, which the United States had previously marked out for themselves. After these two great maritime Powers, (Great Britain and the United States) had let Continental Europe know that they would not see, with indifference, any forcible interposition in behalf of old Spain, it was evident that no such interposition would, or, with any prospect of success, could, be afforded. Accordingly, since that period, there have been no intimations of any designs on the part of the European Alliance against the new American Republics. If that Alliance has seen, with any dissatisfaction (as may be well imagined) the successful progress of those Republics, both in the war, and in the establishment of their free political systems, they have confined themselves to silent and unavailing regrets.
The auspicious course of events has not only occasioned the abandonment of any hostile intentions which were entertained, if such were ever entertained, by the European Alliance, but there is strong reason to hope that it has led to the creation of pacific, if not friendly, views towards our sister Republics. Upon the entry of the President of the United States on the duties of his present office, his attention was anxiously directed, and has been, since, unremittingly employed on the object of establishing peace between Spain and those Republics. In considering the means for its accomplishment, no very sanguine hope was indulged from an approach to Spain, directly; and it was thought best to endeavour to operate on her through that Alliance on whose countenance and support she mainly relied for the recovery of the Colonies. Russia was known to be the soul of that Alliance, and to the Emperor, of whose wisdom and friendship the United States had so many proofs, the appeal was at once made. A copy of the Note from this Department, to the American Minister at St. Petersburg, on that subject, accompanies these instructions. Copies of it were transmitted, cotemporaneously [sic], to the Courts of London and Paris, whose co-operation in the work of peace, was also invited. Our Minister at Madrid was instructed to lose no fit occasion there for creating, or strengthening, a disposition towards peace. The hope was cherished that, by a general and concerted movement of the United States and the great Powers of Europe, at the same time, the councils of Spain might be prevailed upon to accede to a peace, which had become more necessary, if possible, to her than to the new Republics. An answer has been lately received here from St. Petersburg, through Mr. Middleton, a copy of which, together with copies of his accompanying notes, is placed in your hands. From a perusal of these documents, the contents of which have been confirmed by the Russian Minister, in official interviews which I have had with him, you will perceive that the appeal to Russia has not been without effect; and that the late Emperor, sensible of the necessity of peace, prior to his death, probably employed his good offices to bring it about. His successor has formally announced his intentions to tread in the path of his illustrious Predecessor, and it is, therefore, most likely that he will, also, direct the influence of that Government to the conclusion of a peace satisfactory to both parties. It is possible that these efforts may not be effectual, and that the pride and obstinacy of Spain may be unconquerable. There is, however, much reason to hope that she may either consent to a peace, upon the basis of the independence of the Colonies, or if she feels that too humiliating, that she will agree to a suspension of hostilities as was formerly done in the case of the Low Countries, which would, in the end, inevitably lead to a formal acknowledge-
ment of the actual Independence of the new Republics. Whatever may be the future course of Spain, the favourable reception which the Emperor of Russia has given to the overture of the United States, to say nothing of the known inclination of France and other Powers of the European Continent to follow the example of the United States and Great Britain, fully authorizes the conclusion that the Holy Alliance will not engage in the war, on the side of Spain but will persevere in their actual neutrality. The danger, therefore, from that quarter, having disappeared, there can be no necessity, at this time, for an offensive and defensive alliance between the American Powers, which could only find a justification, at any period, in the existence, or continuation of such a danger. Such an alliance, under present circumstances, would be worse than useless, since it might tend to excite feelings in the Emperor of Russia and his Allies, which should not be needlessly touched or provoked. The Republic of Colombia has recently requested the friendly interposition of this Government to prevail upon Spain to agree to an armistice, upon the conditions mentioned in Mr. Salazars note, of which a copy, together with a copy of mine in reply, acceding to the request, is now furnished. And Instructions have been accordingly given to the Ministers of the United States at Madrid and St. Petersburg.

Other reasons concur to dissuade the United States from entering into such an alliance. From the first establishment of their present Constitution, their illustrious statesmen have inculcated the avoidance of foreign alliances, as a leading maxim of their foreign policy. It is true that, in its adoption, their attention was directed to Europe, which, having a system of connexions and of interests remote, and different, from ours, it was thought most advisable that we should not mix ourselves up with them. And it is also true that, long since the origin of the maxim, the new American Powers have arisen, to which, if at all, it is less applicable. Without, therefore, asserting that an exigency may not occur in which an alliance of the most intimate kind between the United States and the other American Republics would be highly proper and expedient, it may be safely said that the occasion which would warrant a departure from that established maxim, ought to be one of great urgency, and that none such is believed now to exist. Among the objections to such alliances, those which, at all times, have great weight, are, 1st.—The difficulty of a just and equal arrangement of the contributions of force, and of other means, between the respective parties, to the attainment of the common object; and 2dly.—That of providing beforehand, and determining, with perfect precision, when the casus foederis arises, and thereby guarding against all controversies about it. There is less necessity for any such alliance at this conjuncture, on the part of the United States, because no
compact, by whatever solemnities it might be attended, or whatever
name or character it might assume, could be more obligatory upon
them than the irresistible motive of self preservation which would
be instantly called into operation, and stimulate them to the utmost
exertion,\(^{30}\) in the supposed contingency of an European attack upon
the liberties of America.

The considerations to which I have now adverted, together with
such others as may present themselves to you, will, it is hoped,
satisfy the Representatives of the other American States that an
alliance, offensive and defensive, between them and the United
States, for the object which has been stated is unnecessary if not
mischievous. Should you, however, be unable to bring that con­
viction home to them, and you should have reason to believe that
the positive rejection of such an alliance would be regarded in an
unfriendly light, and have a pernicious effect on your other nego­
ciations, you will invite them to reduce their proposals of the terms of
such an alliance as they conceive proper, to a written precise form,
and state that you will take them, ad referendum. That will afford
to the Government here, the opportunity of reconsideration, with
the advantage of all the information that may be evolved in the
intervening period. The alliance, if ever admissible, having been
a question of time, the delay incident to the reference home, by
further demonstrating its inexpediency, will better prepare the
Congress at Panama for the final rejection, which, it is most probable
this Government will give to the project.

II. In treating of those subjects in which all the nations of
America, whether now at war, or in peace, may be supposed to have
a common interest, you will, on all suitable occasions, inculcate the
propriety of terminating the existing war as soon as may be, and
of cherishing the means best adapted to the preservation of peace
among themselves, and with the rest of the world. The cultivation
of peace is the true interest of all Nations, but it is especially that
of infant States. Repose is not more necessary to the growth and
expansion of individuals in their youth, that [sic] it is to that of
young Nations which have, in the midst of war,\(^{31}\) commenced the
career of independence and self-government. Peace is now the
greatest want of America. Desirable, however, as it unquestionably
is, there is nothing in the present, or in the future, of which we can
catch a glimpse, that should induce the American Republics, in
order to obtain it, to sacrifice a particle of their independent
sovereignty. They ought therefore, to reject all propositions,
founded upon the principle of a concession of perpetual commercial
privileges to any foreign Power. The grant of such privileges is
incompatible with their actual and absolute independence. It would
partake of the spirit, and bring back, in fact, if not in form, the
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State of antient Colonial connexion. Nor would their honour and National pride allow them to entertain, or deliberate on, propositions founded upon the notion of purchasing, with a pecuniary consideration, the Spanish acknowledgement of their independence.\textsuperscript{32}

Next to the more pressing object of putting an end to the war between the new Republics and Spain,\textsuperscript{33} should be that of devising means to preserve peace, in future, among the American Nations themselves, and with the rest of the world. No time could be more auspicious than the present. [sic] for a successful enquiry, by the American Nations, into the causes which have so often disturbed the repose of the world, and for an earnest endeavour, by wise precaution, in the establishment of just and enlightened principles for the government of their conduct, in peace and in war, to guard, as far as possible, against all misunderstandings. They have no old prejudices to combat, no long established practices to change, no entangled connections or theories to break through. Committed to no peculiar systems of commerce, nor to any selfish belligerent code of Law, they are free to consult the experience of mankind, and to establish, without bias, principles for themselves, adapted to their condition, and likely to promote their peace, security and happiness. Remote from Europe, it is not probable that they will often be involved in the wars with which that quarter of the Globe may be destined, hereafter, to be afflicted. In these wars, the policy of all America will be the same, that of peace and neutrality, which the United States have, heretofore, constantly laboured to preserve.

If the principles which that probable state of neutrality indicates as best for the interests of this hemisphere, be, at the same time, just in themselves, and calculated to prevent wars, or to mitigate the rigour of those great scourges, they will present themselves to the general acceptance, with an union of irresistible recommendations. Both those qualities are believed to be possessed by the maritime principles for which the United States have ever contended, and, especially, throughout the whole period of the late European wars. The President wishes you to bring forward those principles, on an occasion so auspicious as that is anticipated to be, of the Congress at Panama. Uncontrolled power, on whatever element it is exerted, is prone to great abuse. But it is still more liable to abuse on the sea than on the land, perhaps because it is there exercised beyond the presence of impartial spectators, and, therefore, with but little moral restraint resulting from the salutary influence of public opinion, which, if applied at all, has always to be subsequently, and, consequently, less efficaciously, applied. The moral cognizance, when it comes to be taken, finds, too, a more doubtful or contested state of fact, than if the theatre had been where there were more numerous and less prejudiced witnesses. At all times, there has
existed more inequality, in the distribution among Nations, of maritime, than of territorial power. In almost every age, some one has had the complete mastery on the Ocean; and this superiority has been, occasionally, so great, as to more than counterbalance the combined maritime force of all other Nations, if such a combination were practicable. But when a single Nation finds itself possessed of a power, any where, which no one, nor all other Nations, can successfully check or countervail, the consequences are too sadly unfolded in the pages of history. Such a Nation grows presumptuous, impatient of contradiction or opposition, and finds the solution of National problems easier and more grateful to its pride, by the sword, than by the slow, and less brilliant process of patient investigation. If the superiority be on the Ocean, the excesses in the abuses of that power become intolerable. Although, in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practiced, it is, nevertheless, remarkable that the progress of enlightened civilization has been much more advanced on the land than on the ocean. And, accordingly, personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element. Scarcely any circumstance would now tend more to exalt the character of America than that of uniting its endeavours to bring up the arrears of civilization as applied to the ocean, to the same forward point which it has attained on the land; and thus, rendering men and their property secure against all human injustice and violence, leave them exposed only to the action of those storms and disasters, sufficiently perilous, which are comprehended in the dispensations of Providence.

It is under the influence of these, and similar considerations that you will bring forward, at the contemplated Congress, the proposition to abolish war against private property, and non-combatants, upon the ocean. Private property of an enemy is protected, when on land, from seizure and confiscation. Those who do not bear arms there, are not disturbed in their vocations. Why should not the same humane exemption be extended to the sea? If merchandize in a warehouse on shore, remains unmolested amidst the ravages of modern war, can any good reason be assigned for allowing the same merchandize, when transferred to a ship, which is peaceably navigating the ocean, to be an object of legitimate capture and condemnation? If artisans and husbandmen are permitted, without hindrance, to pursue their respective callings, why should not the not less useful mariners be allowed, peacefully, to distribute the productions of their industry, in exchanges for the common benefit of mankind? This has been an object which the United States have had much at heart, ever since they assumed their place among the
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Nations. More than forty years ago, Dr. Franklin, one of their most enlightened and successful Ministers thus expressed himself. "It is time, it is high time, for the sake of humanity, that a stop were put to this enormity. The United States of America, though better situated than any European Nation to make profit by privateering, are, as far as in them lies, endeavouring to abolish the practice, by offering, in all their Treaties with other Powers, an Article engaging, solemnly, that, in case of future war, no privateer shall be commissioned on either side, and that unarmed merchant ships, on both sides, shall pursue their voyages unmolested. This will be a happy improvement of the law of Nations. The humane and the just cannot but wish general success to the proposition."34 What the sagacious forecast of that illustrious man enabled him to anticipate, at that early day of our National existence, has been fully confirmed in our subsequent progress. We are better situated than any other Nation, and, in the event of war, we now have ample means to enable us to make profit by privateering. But, faithful to our principles, we now offer, in our maturer and stronger condition, the same stipulations which were offered by Franklin and other American negociators, but which might then have been attributed to our infancy and weakness. If, by the common consent of Nations, private property on the ocean was no longer liable to capture, as lawful prize of war, the principle that free ships should make free goods would lose its importance by being merged in the more liberal and extensive rule. But, judging from the slow progress of civilization, in its operation on the practices of war, and the tenacity with which power ever clings to advantages which it conceives itself to possess, it would be too much to indulge any very sanguine hope of a speedy, universal concurrence in a total exemption of all private property from capture. Some Nations may be prepared to admit the limited, who would withhold their assent from the more comprehensive, principle. You will, therefore, also, propose the adoption of the rule that free ships shall make free goods, and its converse, that inimical ships shall make inimical goods. The one seems, necessarily to follow from the other, and, in their practical application, there is a simplicity and certainty in both, which strongly recommend them to general adoption. Both operate in favour of neutrality, and thus present a new dissuasive to Nations from rashly engaging in war. It will occur, of course, to you, to insert a provision restricting the operation of these principles to those nations which shall agree to observe them.

You will propose a definition of Blockade. The experience of the United States, and that of some of the new American Nations, short as has been the term of their existence, alike indicates the utility of a plain and intelligible description of the facts which constitute
a legitimate blockade. The want of such a definition has been the
principal cause of any difficulties which have arisen between them
and the United States.\textsuperscript{35} The belligerent interest is to extend, the
neutral to contract, as much as possible, the range of a blockade.
The belligerent interest is to insist upon the smallest possible, that
of the neutral, the largest practicable, amount of force to give validity
to the blockade. In this conflict of opposite pretensions, as the
belligerent has arms in his hands ready to support his, the neutral
generally suffers. The best security against abuses, on either side,
is a clear definition, which, by preventing circumstances notorious
in their nature and character, admits of no controversy among those
who have a proper sense of justice, and entertain a mutual regard for
their respective rights. You will find in the Treaty with Colombia,
and that with the Central Republic, recently concluded and ratified
here,\textsuperscript{36} (copies of both which are herewith) a definition of blockade
which may be proposed and safely followed. In the same Treaties
are also contained articles supplying a list of contraband, and several
other articles having reference to a state of war in which the con­
tracting parties may be belligerent or neutral, as the case may be,
all of which you are authorized to propose.\textsuperscript{37} In connexion with
this interesting subject, you are furnished among the accompanying
documents, with a Letter from my predecessor, under date the 28th
day of July, 1823, addressed to Mr. Rush, Minister of the United
States at London, with the draft of Articles for a Treaty which
he was authorized to propose to Great Britain.\textsuperscript{38} They may facilitate
your labours. The articles, having been prepared with much con­
sideration, may serve as models for any that may be agreed on at
the Congress upon corresponding topics. It is hardly necessary to
add that this recent experiment with Great Britain, like all others
which preceded it, proved abortive.

Among the most important objects which are likely to engage
the attention of the Congress, is that of endeavouring to fix some
general principles of intercourse, applicable to all the Powers of
America, for the mutual regulation of their commerce and naviga­
tion. The United States, from the origin of the present war, has,
on all proper occasions, uniformly proclaimed that they entertained
no desire to procure for themselves, from any of the new Powers,
peculiar commercial advantages. They continue to adhere to this
disinterested doctrine. You will state in your conferences, that, as
they have not sought, in treating with the American States separately,
neither will they seek, in joint negotiations with them, for any
privileges, which are not equally extended to every one of them.
Indeed, they are prepared, themselves, to extend to the Powers
of Europe the same liberal principles of commercial intercourse
and navigation on which the United States are ready to treat. The
President hopes that you will meet with corresponding dispositions in the other American States, and that you will have no difficulty in obtaining their ready concurrence to the equitable bases of perfect equality and reciprocity which you are hereby impowered, at once, to propose for the Commerce and Navigation between all the American Nations. The whole of what is very material to their commerce and navigation may be comprized under two general principles, both of which are founded on those bases. The first is that no American Nation shall grant any favours in commerce or navigation, to any foreign Power whatever, either upon this, or any other, Continent, which shall not extend to every other American Nation. And 2dly., that whatever may be imported from any foreign Country into any one American Nation, or exported from it, in its own vessels, may, in like manner, be imported into, or exported from, the same Nation, in the vessels of every other American Nation, the vessel, whether national or foreign, and the cargo, paying, in both instances, exactly the same duties and charges, and no more.

The first of those two principles is so strongly recommended to all Nations by considerations of policy, as well as justice, that it will command, at least in the abstract, the assent of most, as soon as it is announced. Nations are equal, common, members of an universal family. Why should there be any inequality between them, in their commercial intercourse? Why should one grant favours to another which it withholds from a third? All such partial favours are liable to excite jealousies, and, in the end, are counterbalanced or punished by the injured Powers. The principle now proposed, does not preclude those particular arrangements which are founded upon real and just equivalents, independent of mere commercial reciprocity, by which certain advantages are granted to a particular Power; but it is wiser even to avoid these as much as possible. If the principle be correct in its universal application, it must be allowed to be particularly adapted to the condition and circumstances of the American Powers. The United States, have had no difficulty in treating, on that principle, with the Republics of Colombia and Central America; and it is, accordingly, inserted in the Treaties which have been made with both those Powers. Other of the American Nations are believed to have a disposition to adopt it. The United Mexican States, alone, have opposed it, and in their negotiations with Us have brought forward the inadmissible exception from its operation, of those American States which have a Spanish origin, in whose behalf Mexico insists upon being allowed to grant Commercial favours which she may refuse to the United States. Of the view which we entertain of such an exception, you will be able to possess yourselves by perusing a dispatch from this Office to Mr. Poinsett, under date the 9th day of November, 1825,
a copy of which is herewith. He has been instructed to break off
the negotiation, if, contrary to expectation, the Mexican Govern-
ment should persist in the exception. What renders it more extra-
ordinary is, that whilst they pretend that there has been something
like such an understanding between the new Republics, no such
exception was insisted upon by either Colombia or the Central
Republic. It was not even mentioned during the late negotiation
here which terminated in the Treaty with the latter Power.
Whether it was adverted to or not, in that which was conducted by
Mr. Anderson with Colombia, he will recollect. We can consent
to no such exception. You will resist it in every form if it be brought
forward, and you will subscribe to no treaty which shall admit it.
We are not yet informed whether Mexico has abandoned the
exception, and concluded with Mr. Poinsett a commercial Treaty,
or has persevered in it, and broken off the negotiation. The basis
of the most favoured Nation leaves the party who treats on it free
to prohibit what foreign produce and manufactures he pleases,
and to impose on such as may be admitted in his ports, any duties
which his policy or his interests may require. The principle only
enjoins impartiality as to the Foreign Powers to whom it is applied,
and, consequently, that his prohibitions and his duties, whatever
they may be, shall equally extend to the produce and manufactures
of all of them. If a Nation has already contracted engagements with
another Power by which it has granted commercial favours in-
convenient or injurious to itself, it may be contrary to its interest
to extend these same favours to other Nations. But the United States
have made no such improvident concessions to any particular
foreign Power, nor have any of the other American States, as far
as we know. The time and the theatre is, therefore, propitious for
the adoption of a broad and liberal commercial principle, which,
by dispensing equal favour to all, deprives every one of any just
cause of complaint.

2. To the other leading principle which has been stated, that
of allowing the importation into, or the exportation from, the ports
of any American Nation, in the vessels of every other, of all produce
and manufactures, the introduction or exportation of which is
admitted by law, both the native and the foreign vessel and the
cargo paying the same duties and charges, and no other, the President
attaches the greatest importance. You will press it in your [sic]
conferences, with an earnestness and zeal proportionate to its high
value, and to the liberality in which it is conceived. Its reciprocity
is perfect; and when it comes to be adopted by all Nations, we can
scarcely see any thing beyond it, in the way of improvement to the
freedom and interests of their mutual navigation. The devices of
maritime Nations have been various to augment their marine at
the expense of other Powers. When there has been a passive acquiescence in the operation of those devices, without any resort to countervailing regulation, their success has been, sometimes, very great. But Nations are now too enlightened to submit quietly to the selfish efforts of any one Power to engross, by its own separate legislation, a disproportionate share of navigation in their mutual intercourse. Those efforts are now met by opposite efforts. Restriction begets restriction, until the discovery is, at last, made, after a long train of vexatious and irritating acts and manoeuvres, on both sides, that the course of selfish legislation, ultimately, does not affect the distribution of maritime power, whilst it is attended with the certain evil of putting Nations into an ill humour with each other. Experience, at last, teaches that, in every view, it is better to begin, and to continue, in the career of liberality, than in that of a narrow and restricted policy, since the most that can be said against the former is, that it only conducts to the same end without, however, the unpleasant incidents to which the other finally, but inevitably, leads. There is a simplicity in the principle of reciprocal liberty of navigation which confers on it a strong recommendation. It renders unnecessary all difficult and vexatious scrutiny into the origin of the contents of a mixed cargo. It dispenses with all penalties and forfeitures, denounced for what is, often, both an ignorant and innocent violation of Custom-house law, in the introduction, perhaps, of a single interdicted article of small value, which is made, by arbitrary regulation, to taint the whole cargo of immense value. It sets up a rule at once plain and intelligible. It refers the foreigner for what he may lawfully do, to an observation of that which the native actually does. It opens every American Port to every American vessel, on the same equal terms, no matter in what distant sea her enterprise may have sought, and earned, the riches with which she is laden. This principle of reciprocal freedom of navigation, like that of the most favoured Nation, leaves every State which adopts it, at liberty to impose such tonnage duties as its necessities or policy may dictate. It only holds out that whatever may be imposed, shall extend, alike, to the National and the Foreign vessel, and, also, that the cargo, whether of importation or exportation, shall be charged with the same duties, whoever may be the proprietor, or in whatever vessel it may be laden. Perhaps it may be proposed to agree to the imposition of precisely the same rate of duties on vessel and cargo, in all the ports of the American Nations. But that would be inadmissible. It would subject each State to inconvenient restrictions on its power of taxation, instead of leaving it free, as is best for each, to consult the circumstances of its own peculiar position, its habits, its Constitution of Government, and the most fitting sources of revenue for itself. As to the foreigner,
he has no pretext for complaint, when the same measure is applied to him and the native. It may, perhaps, be objected that the marine of the other American Nations is yet in its infancy; that ours has made great advances; and that they cannot be prepared for this reciprocal liberty of navigation, until they have made some further progress in establishing theirs. The difference in the condition of the Marine of the respective Countries, assumed in the supposed argument, certainly exists. But how is it to be remedied? By a system which shall aim at engrossment, and which will, therefore, provoke retaliation? Or one which, dealing liberally by others, will lead them to measure out liberality in return? These alternatives have been already discussed; and it has been shewn that the first system is never successful except from the forbearance of foreign Powers to countervail it, which is not now to be expected in the present watchful state of the maritime world. If we are to await for the commencement of the equal and liberal system, until all Nations shall have brought up their respective marines even and abreast, it may be considered as indefinitely, if not for ever, postponed. If the new States would build up for themselves, powerful marines, they must seek for their elements, not in a narrow and contracted legislation, neutralized by the counteracting legislation of other Nations, but in the abundance and excellence of their materials for ship-building, in the skill of their artizans, and the cheapness of their manufacture, in the number of their seamen, and their hardy and enterprising character formed by exposure in every branch of sea-faring life, by adventures on every ocean, and invigorated by a liberal, cheerful, and fearless competition with foreign Powers.

Both of the principles which I have been discussing are provided for, though somewhat more in detail, in the second, third, fourth and fifth articles of the before mentioned Treaty with the Federation of the Centre of America. They may serve as models for those which you are now authorized to propose; and you will consider yourselves empowered to agree to articles similar with all the others of that Treaty, a copy of which accompanies this Letter.

It is possible that you may not find the Ministers of the other American States prepared to agree to the Second principle; that they may be unwilling to subscribe to it, in the extent now proposed; they may not be ready to allow, at the same rate of duties, a reciprocal liberty of exportation and importation, without restriction as to the place of origin of the cargo, the ownership or destination of the vessel. You will not abandon the effort to establish that principle, in its widest scope, until you have exhausted every means of argument and persuasion, and become perfectly satisfied that its adoption is wholly impracticable. If you find their opposition to it, unyield-
ing, you will then propose a modification of the principle so as to make it, at least, comprehend the productions and manufactures of all the American Nations, including the West India Islands. When so limited, it will still have great practical benefit; all vessels of the several American Powers will enjoy under it a reciprocal liberty of exportation and importation of whatever of American productions and manufactures, comprehending the produce of the sea, is allowed by the separate laws of each, at the same standard of duties for the vessel and her cargo. If the reasoning be correct in support of the principle in its greatest latitude, it will, of course, sustain it in this more restricted operation. To which may be added as a strong consideration, in favour of its embracing, at least, the American States, that there is great similarity in the produce of various parts of them, and, consequently, a great difficulty in tracing articles, having a common character and striking resemblance, to the Countries of their respective origin, and subjecting them to different rates of duty, as they happen to be imported in different vessels, or blended together, in the same vessel.

If you find the principle still objected to, with that modification, you will, lastly, propose it with the still greater restriction of only furnishing the rule which shall be observed between any two of the American Nations who may agree to it, in regard to their mutual navigation, when employed in transporting their respective produce and manufactures. Under this form, it was proposed by the United States on the 3rd. March 1815 (See 4th. volume of the Laws, page 824) to all Nations. On the 3rd. of July of the same year, it was engrafted on the Convention with Great Britain (See 6th volume of the Laws, page 603.) Subsequently it was applied to the Netherlands, the Imperial Hanseatic Cities of Hamburg, Lubec and Bremen, the Dukedom of Oldenburg, Norway, Sardinia and Russia. (See acts 1st. Session, 18th. Congress, page 4.) It was also embraced in our Treaty with Sweden of 1816 (see 6th. volume of the Laws, page 642) and has recently been agreed to by Colombia. In the event of a concurrence in the principle, in this more limited import, the first, second, and third Articles of the before mentioned Convention with Great Britain will furnish models which may be followed in the draft of those to which you are authorized to agree. These three Articles embrace other subjects besides that principle, but they are such as to have either a direct connexion with it, or are necessary to give full and complete effect to it. In describing the territories of the new American States, with which we are to maintain, hereafter, a commercial intercourse, you will see the propriety of employing in any Treaty which you may conclude, such terms as may embrace whatever territories, insular or continental, may appertain to each, upon the termination of the present
war. During its future progress, possessions may be won or lost, which, as the case may be, should be comprehended or excluded by those terms.

In December, 1823, the then President of the United States, in his annual message upon the opening of Congress, announced as a principle applicable to this Continent, what ought, hereafter, to be insisted upon, that no European Nation ought to be allowed to plant upon it new Colonies. It was not proposed, by that principle, to disturb preexisting European Colonies already established in America; the principle looked forward, not backward. Several of the new American States have given intimations of their concurrence in the principle; and it is believed that it must command the assent of the impartial world. Whilst America was, comparatively, a boundless waste, and an almost unpeopled desart [sic], claimed and probably first settled, with civilized men, by the European Powers who discovered it, if they could agree among themselves as to the limits of their respective territories, there was no American State to oppose, or whose rights would be affected by, the establishment of new Colonies. But now the case is entirely altered; from the North Eastern limits of the United States in North America to Cape Horn in South America, on the Atlantic Ocean, with one or two inconsiderable exceptions; and from the same Cape to the fifty first degree of north latitude in North America, on the Pacific Ocean, without any exception, the whole coasts and countries belong to Sovereign resident American Powers. There is, therefore, no chasm, within the described limits in which a new European [sic] Colony could be now introduced without violating the territorial rights of some American State. An attempt to establish such a Colony and, by its establishment, to acquire sovereign rights for any European Power, must be regarded as an inadmissible encroachment. If any portion of the people of Europe, driven by oppression from their native Country, or actuated by the desire of improving the condition of themselves or their posterity, wish to migrate to America, it will, no doubt, be the policy of all the new States, as it ever has been ours, to afford them an asylum [sic], and, by naturalization, to extend to such of them as are worthy, the same political priviliges [sic] which are enjoyed by the native born citizen. But this faculty of emigration cannot be allowed to draw after it the right of the European State, of which such emigrants shall have been native, to acquire sovereign powers in America. The rule is good by which one, in judging of anothers conduct or pretensions, is advised to reverse positions. What would Europe think of an American attempt to plant there an American Colony? If its pride would be provoked, and its power exerted, to repress and punish such a presumptuous act, it is high time that it should be recollected, and felt, that
Americans, themselves descended [sic] from Europeans, have, also, their sensibilities and their rights.

To prevent any such new European Colonies, and to warn Europe, beforehand, that they are not, hereafter, to be admitted, the President wishes you to propose a joint declaration of the several American States, each, however, acting for, and binding only, itself, that, within the limits of their respective territories, no new European Colony will, hereafter, be allowed to be established. It is not intended to commit the parties who may concur in that declaration, to the support of the particular boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resistance against any future attempt to plant a new European Colony. It is believed that the moral effect alone, of a joint declaration, emanating from the authority of all the American Nations, will effectually serve to prevent the effort to establish any such new Colony; but if it should not, and the attempt should actually be made, it will then be time enough for the American Powers to consider the propriety of negotiating between themselves, and, if necessary, of adopting, in concert, the measures which may be necessary to check and prevent it. The respect which is due to themselves, as well as to Europe, requires that they should rest in confidence that a declaration thus solemnly put forth, will command universal deference. It will not be necessary to give to the declaration now proposed, the form of a Treaty. It may be signed by the several Ministers at the Congress, and promulgated to the world as evidence of the sense of all the American Powers.

Among the subjects which must engage the consideration of the Congress, scarcely any has an interest so powerful and commanding as that which belongs to Cuba and Porto Rico, the former especially. Cuba, from its position, the present amount, and the character, of its population, that which it is capable of sustaining, its vast, though almost latent, resources, is, at present, the great object of attraction, both to Europe and America. No Power, not even Spain itself, has in such a variety of forms, so deep an interest in its future fortunes, whatever they may happen to be, as the United States. Our policy in regard to it is fully and frankly disclosed in the beforementioned Note to Mr. Middleton. It is there stated that, for ourselves, we desire no change in the possession or political condition of that Island; and that we could not, with indifference, see it transferred from Spain to any other European Power. We are unwilling to see its transfer or annexation to either of the new American States. If the present war should much longer continue, there are three conditions, into some one of which that Island may fall, during its further progress, and all of them deserve the most particular and serious consideration. The first, is, its independence, resting at the
close of the war upon its own unassisted resources to maintain that independence. Secondly,—its independence, with the guarantee of other Powers, either of Europe, or of America or both. And thirdly, its conquest and attachment to the dominions of the Republic of Colombia or Mexico. We will now examine each of these predicaments of the Island, in the order in which they have been stated.

1. If Cuba had the ability, within itself, of maintaining an independent self government against all assaults from without or within, we should prefer to see it in that state; because we desire the happiness of others as well as ourselves, and we believe that is, in the general, most likely to be secured by a local government springing directly from, and identified, in feeling, interest and sympathy with the people to be governed. But a mere glance at the limited extent, moral condition, and discordant character of its population, must convince all of its incompetency, at present, to sustain self government, unaided by other Powers. And if, at this premature period, an attempt at independence should be so far attended with success, as to break the connexion with Spain, one portion of the inhabitants of the Island, as well as their neighbours in the United States, and in some other directions, would live in continual dread of those tragic scenes which were formerly exhibited in a neighbouring Island, the population of which would be tempted by the very fact of that independence, to employ all the means which vicinity, similarity of origin and sympathy could supply, to foment and stimulate insurrection, in order to gain ultimate strength to their own cause.

2. A guaranteed Independence of Cuba, although it might relieve the Island from the dangers which have been just noticed, would substitute others not less formidable, and which, it is believed, are almost insuperable. Who shall be the guaranteeing Powers? Shall they be exclusively American, or mixed, partly American, and partly European? What shall be the amount of their respective contributions to the protecting force, military and naval, and to the other means necessary to uphold the local Government? Who shall have the command of that force? Will not the guaranteeing Powers not in command, entertain continual apprehensions and jealousies of the commanding Power? The candid must own that these are preplexing questions; and that, upon the whole, although all thought of that modification of Independence should not, perhaps, be dismissed, as absolutely inadmissible, under any possible circumstances, it must be agreed to be one to which, if assent is ultimately yielded, it must be reluctantly, from a train of unforeseen and uncontrollable events.

3. With respect to the conquest and annexation of the Island to
Colombia or Mexico, it should be remarked that, if that be attempted, the whole character of the present war will be entirely changed. Hitherto, on the part of the Republics the contest has been for Independence and Self-Government, and they have had, on their side, the good wishes and the friendly sympathies of a large portion of the world, and those, especially of the people of the United States. But, in the event of a military enterprise, directed against Cuba, it will become a war of conquest. In such a war, whatever may be the result of that enterprise, the interests of other Powers, now neutral, may be seriously affected, and they may be called upon to perform important duties which they may not be at liberty to neglect. The issue of such a war may have great influence upon the balance and stability of power in the West Indies. Nations of Europe may feel themselves required to interpose forcibly, to arrest a course of events, to which they cannot be indifferent. If they should limit their interposition merely to the object of preventing any change in the existing state of things, in respect to the Islands, the United States, far from being under any pledge, at present, to oppose them, might find themselves, contrary to their inclination, reluctantly drawn by a current of events, to their side. In considering such an enterprise, as has been supposed, if it be undertaken, there ought to be an anxious and deliberate examination, first, into the means of Colombia and Mexico to accomplish the object, and secondly, their power to preserve and defend the acquisition, if made. We have not the data necessary to form a certain judgment on the first point. We ought to possess, to enable us to form such a judgment, a knowledge, first, of the force, military and naval, which the Republics can apply to the operation; secondly, that which Spain can exert in resistance; and, thirdly, what portion of the inhabitants of the Island would take part on the one, and on the other, side of the belligerents. Although we have not this information, in ample detail, we know that Spain is in actual possession, with a very considerable military force; that this force, recently much strengthened, occupies the Moro Castle, deemed almost impregnable, and other strong holds in the Island; that, driven as she has been, from the Continent of America, all her means, and all her efforts will now be concentrated on this most valuable of her remaining American possessions; that to this end, she will apply her attention, which has been, hitherto, too much distracted by the multitude of her belligerent exertions in North and South America, exclusively to this most important point; that to its succour she will gather up from her vast wreck, the residue of her once powerful army in Europe and America; and that there is reason to believe that, if she should not be openly assisted by any of the European Powers, she may receive from them covert, but
irresponsible, aid. With all these resources and favourable circumstances, combined, it must be admitted that the conquest of Cuba is very difficult, if not impracticable, without extensive and powerful means, both Naval and Military. But, secondly, do either Colombia, or Mexico possess such means? We doubt it. They have, both, to create a marine. A single ship of the line, two Frigates and three or four vessels of a smaller grade, badly manned, compose the whole naval force of the United Mexican States. That of Colombia is not much greater, nor better manned. But the means of transporting, and defending, during its voyage, the military force necessary to achieve the conquest, are absolutely indispensable. Nay more; it would be, in the last degree, rash and imprudent, to throw an army into Cuba, unless the two Republics possessed, and could retain, a naval superiority, at least in the Gulf of Mexico, to provide for those contingencies which ought, always, to be anticipated in the vicissitudes of war. And, in the third place, it is well known that the inhabitants of Cuba, far from being united in favour of invasion, entertain great apprehensions as to their future safety, in such an event, and that they especially dread an invasion from Colombia, on account of the character of a portion of the troops of that Republic.

But if all difficulties were surmounted and the conquest of the Islands was once effected, we should not be without continual fears of the instability of its future condition. The same want of naval power which would be felt in reducing, would be subsequently experienced in defending and preserving it. Neither Colombia nor Mexico is destined to be a first rate Naval Power. They, both, (Mexico still more than Colombia) want an extent of sea coast, bays, inlets and harbours, the nurseries of seamen, in short, all the essential elements of a powerful marine. England, France, the Netherlands, Spain herself, when she shall, as at some no very distant day she must, recover from her present debility, will, for a long time to come, if not forever, as naval Powers, outrank either Mexico or Colombia. A war with any one of those European Nations would place Cuba, in the hands of either of those two Republics, at the most imminent [sic] hazard. It is impossible for the Government of the United States to close their eyes to the fact that, in the event of a military enterprise being prosecuted by the Republics against Cuba, the ships, the seamen, the cannon and the other naval means necessary to conduct it, will have been principally obtained in the United States. Although far from giving any countenance to the procurement of those supplies, determined to maintain a faithful neutrality, they have directed a strict enforcement of their Laws, the fact, nevertheless, of their being collected within their ports subjects them to unfriendly and injurious suspicions.
And they would see, with much repugnance, resources drawn from themselves, applied to the accomplishment of an object, to which their policy and their interests are opposed.54

The President hopes that these considerations, enforced by such others as may present themselves to you, if they should not be deemed of sufficient weight to prevent, altogether, any invasion of Cuba, will, at least, dissuade from any rash or premature enterprize, with inadequate or doubtful means. And it is required by the frank and friendly relations which we most anxiously desire ever to cherish with the new Republics, that you should, without reserve, explicitly state that the United States have too much at stake in the fortunes of Cuba, to allow them to see with indifference, a war of invasion prosecuted in a desolating manner, or to see employed, in the purposes of such a war, one race of the inhabitants combatting against another, upon principles, and with motives that must inevitably lead, if not to the extermination of one party or the other, to the most shocking excesses. The humanity of the United States, in respect to the weaker, and which, in such a terrible struggle would, probably, be the suffering, portion, and their duty to defend themselves against the contagion of such near and dangerous examples, would constrain them, even at the hazard of losing the friendship, greatly as they value it, of Mexico and Colombia, to employ all the means necessary to their security.

If you should be unable to prevail on those Republics to renounce all designs of the invasion and conquest of Cuba and Porto Rico, you will then exert your endeavours to induce them to suspend the execution of them, until the result is known, of the interposition which we are authorized to believe the late Emperor of Russia and his allies,56 at the instance of the United States, have made,57 to put an end to the war, and that which has been herein stated to have been recently made, at the instance of the Republic of Colombia. Such a suspension is due to Russia. It would be a deference to that great Power which the reigning Emperor would not fail to appreciate, and the value of which the new Republics might, hereafter, experience, if, in this instance, the counsels which we have reason to believe will have been given to Spain,58 should not be followed. But there is much reason to hope that Spain will pause before she rejects them, and will see her true interest, as all the world sees it, on the side of peace. And the late events, the fall of the Castle of San Juan d’Ulloa, and of Callao,59 especially, must have a powerful effect in urging her to terminate the war.

A cut or canal for purposes of navigation, somewhere through the Isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans will form a proper subject of consideration at the Congress. That vast object if it should ever be accomplished,
will be interesting, in a greater or less degree, to all parts of the world. But to this Continent will probably accrue the largest amount of benefit from its execution; and to Colombia, Mexico, the Central Republic, Peru and the United States, more than to any other of the American Nations. What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one Power. In the present limited state of our information as to the practicability, and the probable expense, of the object, it would not be wise to do more than to make some preliminary arrangements. The best routes [sic] will be, most likely, found in the territory of Mexico, or that of the Central Republic. The latter Republic made to this Government on the 8th day of February, of last year, in a Note which Mr. Canaz, its Minister here, addressed to this Department (a copy of which is now furnished) a liberal offer, manifesting high and honourable confidence in the United States. The answer which the President instructed me to give, (of which a copy is, also, now placed in your hands) could go no further than to make suitable acknowledgements for the friendly overture, and to assure the Central Republic that measures would be adopted to place the United States in the possession of the information necessary to enlighten their judgement. If the work should ever be executed, so as to admit of the passage of Sea-vessels, from ocean to ocean, the benefit of it ought not to be exclusively appropriated to any one Nation, but should be extended to all parts of the Globe, upon the payment of a just compensation, or reasonable tolls. What is most desirable at present is to possess the data necessary to form a correct judgment of the practicability and the probable expense of the undertaking, on the routes which offer the greatest facilities. Measures may have been already executed, or in progress, to acquire the requisite knowledge. You will inquire particularly, as to what has been done, or may have been designed, by Spain, or by either of the new States, and obtain all other information that may be within your reach, to solve this interesting problem. You will state to the Ministers of the other American Powers, that the Government of the United States takes a lively interest in the execution of the work, and will see with peculiar satisfaction that it lies within the compass of reasonable human efforts. Their proximity and local information render them more competent than the United States are, at this time, to estimate the difficulties to be overcome. You will receive, and transmit to this Government, any proposals that may be made, or plans that may be suggested for its joint execution, with assurances that they will be attentively examined, with an earnest desire to reconcile the interests and views of all the American Nations.
It will, probably, be proposed as a fit subject of consideration, for the Powers represented at Panama, whether Hayti ought to be recognized by them as an independent State; and whether any decision taken in that respect, should be joint, or each Power be left to pursue the dictates of its own policy. The President is not prepared, now, to say that Hayti ought to be recognized as an independent, Sovereign Power. Considering the nature, and the manner, of the establishment of the governing power in that Island, and the little respect which is there shewn to other races than the African, the question of acknowledging its independence was far from being unattended with difficulty, prior to the late arrangement which, it is understood, has been made between France and Hayti. According to that arrangement, if we possess correct information of its terms, the parent Country acknowledges a nominal Independence in the Colony, and, as a part of the price of this acknowledgment, Hayti agrees to receive, forever, the produce of France at a rate of duty one half below that which is exacted in the ports of Hayti from all other Nations. This is a restriction upon the freedom of its action to which no Sovereign Power, really independent, would ever subscribe. There is no equivalent on the side of France, in the favourable terms on which the produce of Hayti is received in the ports of France. If the Colonial relation may be correctly described to be the monopoly of the commerce of the Colony enjoyed by the parent State, it cannot be affirmed that Hayti has not, voluntarily, by that arrangement, consented to its revival. There was no necessity urging her to agree to it, however, she may have called [sic] upon by just and equitable considerations to indemnify the former individual proprietors for the loss of their property in St. Domingo. Prior to the conclusion of that arrangement, Hayti enjoyed no matter how established, a sort of Independence, in fact. By that arrangement she has, voluntarily, and in a most essential particular, in respect to all Foreign Nations, changed her character, and has become, to say the least, not an independent State. Under the actual circumstances of Hayti, the President does not think that it would be proper, at this time, to recognize it as a new State. The acknowledgment, or declining to acknowledge, the Independence of Hayti, is not a measure of sufficient magnitude to require that, in either of the alternatives, it should be the result of a concert between all the American Powers.

You will avail yourselves of all suitable occasions to press upon the Ministers of all the other American States, the propriety of a free toleration of Religion within their respective limits. The framers of our Constitution of Government have not only refrained from incorporating with the State, any peculiar form of religious worship, but they have introduced an express prohibition upon the
power of our Congress to make any law respecting an establishment of religion. With us, none are denied the right, which belongs to all, to worship God according to the dictates to their own consciences. In our villages and Cities, at the same hour, often in the same square, and by the same kind of summons, congregations of the pious and devout, of every religious denomination, are gathered together in their respective Temples, and after performing, according to their own solemn convictions, their religious duties, quietly return and mix together in the cheerful fulfilment of their domestic and social obligations. Not unfrequently, the heads of the same family, appertaining to different sects, resort to two different churches to offer up, in their own chosen way, their orisons, each bringing back to the common household [sic] stock, the moral instruction which both have derived from their respective Pastors. In the United States we experience no inconvenience from the absence [sic] of any religious establishment, and the universal toleration which happily prevails. We believe that none would be felt by other Nations who should allow equal religious freedom. It would be deemed rash to assert that civil liberty and an established church cannot exist together in the same State; but it may be safely affirmed that history affords no example of their union when the religion of the State has not only been established, but exclusive. If any of the American Powers think proper to introduce into their systems an established religion, although we should regret such a determination, we would have no right to make a formal complaint, unless it should be exclusive. As the citizens of any of the American Nations, have a right, when here, without hindrance, to worship the Deity according to the dictates of their own consciences, our citizens ought to be allowed the same privilege, when, prompted by business or inclination, they visit any of the American States. You are, accordingly, authorized to propose a joint declaration to be subscribed by the Ministers of all, or any, of the Powers represented, that within their several limits, there shall be free toleration of religious worship. And you will, also, in any Treaty or Treaties that you may conclude, endeavour to have inserted an article stipulating the liberty of religious worship in the territories of the respective parties. When this great interest is placed on the basis of such a solemn declaration, and such binding Treaty stipulations, it will have all reasonable and practical security. And this new guarantee will serve to give strength to the favourable dispositions of enlightened men in the various American States, against the influence of bigotry and superstition. The declaration on this subject, in which you are authorized to unite, as well as that directed against European Colonization within the Territorial limits of any of the American Nations, before mentioned, does no more than announce,
in respect to the United States, the existing state of their Institutions and Laws. Neither contracts any new obligation, on their part, nor makes any alteration, as to them, in the present condition of things. The President being the organ through which this Government communicates with Foreign Powers, and being charged with the duty of taking care that the Laws be faithfully executed, is competent to authorize both declarations. 67

Questions of boundary and other matters of controversy among the new American Powers, will, probably, present themselves, and of which an amicable adjustment may be attempted at the Congress. Your impartial and disinterested position in relation to any such disputes may occasion you to be called upon for your advice and umpirage. You will, whenever your assistance may be required to settle those controversies, manifest a willingness to give your best counsel and advice; and, if it should be desired, you will also serve as arbitrators. A dispute is understood to have existed, and to remain yet unsettled, between the United Mexican States and the Central Republic, in relation to the Province of Chiapa. 68 The President wishes you to give it a particular investigation, and, if justice shall be found on the side of the Republic of the Centre, you will lend to its cause all the countenance and support which you can give, without actually committing the United States. This act of friendship on our part is due, as well on account of the high degree of respect and confidence which that Republic has, on several occasions, displayed towards the United States, 69 as from its comparative weakness.

Finally; I have it in charge to direct your attention to the subject of the forms of Government, and to the cause of free institutions on this Continent. The United States never have been, and are not now, animated by any spirit of propagandism. They prefer to all other forms of Government, and are perfectly contented with, their own Confederacy. Allowing no foreign interference, either in the formation, or in the conduct, of their Government, they are equally scrupulous in refraining from all interference in the original structure, or subsequent interior movement, of the Governments of other independent Nations. Indifferent they are not, because they cannot be indifferent, to the happiness of any Nation. But the interest which they are accustomed to cherish in the wisdom or folly which may mark the course of other Powers in the adoption and execution of their political systems, is rather a feeling of sympathy than a principle of action. In the present instance, they would conform to their general habit of cautiously avoiding to touch on a subject so delicate, but that there is reason to believe that one European Power, if not more, has been active in both Colombia and Mexico, if not elsewhere, with a view to subvert, if
possible, the existing forms of free Government there established, to substitute the monarchical in place of them, and to plant, on the newly erected thrones, European Princes. In both instances it is due to our sister Republics, and otherwise proper, to add, that the design met with a merited and prompt repulse; but the spirit which dictated it, never slumbers, and it may be again renewed. The plausible motive held out, and which may be repeated, is that of a recognition of the Independence of the new States, with assurances that the adoption of monarchical institutions will conciliate the great Powers of Europe. The new Republics being Sovereign and Independent States, and exhibiting their capacity for self Government at home, being, in fact, acknowledged by the United States and Great Britain, and having entered into Treaties and other National Compacts with Foreign Powers, have a clear right to be recognized. From considerations of policy, the act of recognition has been delayed by some of the European States, but it cannot be much longer postponed, and they will, shortly, find themselves required to make the concession from a regard to their own interest, if they would not from a sense of justice. But their recognition is not worth buying, and nothing would be more dishonourable than that the Republics should purchase by mean compliances, the formal acknowledgment of that Independence which has been actually won by so much valour, and by so many sacrifices. Having stood out against all apprehensions of an attempt of the combined Powers of Europe to subdue them, it would be base and pusillanimous, now, when they are in the undisturbed enjoyment of the greatest of human blessings, to yield to the secret practices, or open menaces of any European Power. It is not anticipated that you will have any difficulty in dissuading them from entertaining, or deliberating on, such propositions. You will, however, take advantage of every fit opportunity to strengthen their political faith, and to inculcate the solemn duty of every Nation to reject all foreign dictation in its domestic concerns. You will, also, at all proper times, manifest a readiness to satisfy enquiries as to the theory and practical operation of our Federal and State Constitutions of Government, and to illustrate and explain the manifold blessings which the people of the United States have enjoyed, and are continuing to enjoy, under them.

The war which has recently broke out between the Republic of La Plata and the Emperor of Brazil is a cause of most sincere regret. To that war the United States will be strictly neutral. The parties to it should feel themselves urged no less by all the interests which belong to the recent establishment of their Independence, than by principles of humanity, to bring it to a speedy close. One of the first measures which has been adopted for its prosecution, by
the Emperor of the Brazils is to declare the whole coasts of his enemy, including entirely one, and a part of the other, shore of the La Plata, and extending as far as Cape Horn, in a state of Blockade. That he has not the requisite naval force to render valid, and to maintain, according to the principles of the public Law, such a sweeping Blockade is quite evident. Persistance [sic] in it must injuriously affect the interests of neutrals in the pursuit of their rightful commerce, if it should involve no other consequences to them. You will avail yourselves of every proper opportunity to represent to the parties how desirable it is to put an end to the war, and with what satisfaction the United States would see the blessings of peace restored. And it will occur to you, whilst remonstrating against any belligerent practices, which are not strictly warranted, to draw from the fact of the Brazilian Blockade, fresh support to the great maritime principles to which you have been instructed to endeavour to obtain the sanction of the American Nations.

I have the honour to be, Gentlemen, Your obedient Servant.

H. Clay

Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 55-66 (M77, R6). AL draft, in DLC-HC (DNA, M212, R7). As early as February 4, 1826, Clay had shown John Quincy Adams the draft of the instructions, but the latter, in referring to the matter, provides no indication of his comments or recommendations. Memoirs, VII, 112. In the following annotation based upon comparison of the draft and final versions, the editors have omitted reference to changes of a stylistic nature but have indicated those which might be deemed significant from other considerations.

1 See above, Clay to Cañiz, Clay to Obregón, November 30, 1825.
2 Last nine words interlined by Clay in draft version.
3 Cf. above, III, 541, 542n.
4 Last two words interlined by Clay in draft.
5 Cf. above, Clay to Anderson, March 15, 1826.
6 Dated May 11, 1826. Copy, in DNA, RG59, Ceremonial Communications: Credences, II, 44-45.
7 Last two words interlined by Clay in draft.
8 See above, II, 13, 14; III, 82n, 315n.
9 Last two sentences inserted by Clay as marginal addendum to draft.
10 Cf. below, Poinsett to Clay, August 20, 1826, note.
11 This word interlined by Clay in draft.
12 Word substituted by Clay for “compromit” in draft.
13 The sentence as first drafted by Clay stated: “They have, through the organ of their late Chief Magistrate, declared what, in that event, they would do.” A positive program of action was incorporated in Monroe’s annual messages. For analysis of the issue of sanctions as developed in relation to the Monroe Doctrine, see Perkins, Monroe Doctrine, 185-210.
14 This statement is questionable. In August, 1823, George Canning had proposed to Richard Rush, United States Minister to England, an understanding relative to the possibility of European intervention in America. Rush, lacking instructions in the matter, had referred the question to Washington, where discussions on the subject had not been begun until after John Quincy Adams returned from Massachusetts, on October 11. Meanwhile, on October 9, Canning had extracted assurances from France, through the Prince de Polignac, French Ambassador to London (1823-1829; Minister of Foreign Affairs, 1829-1830), that no intervention was contemplated. When Monroe’s message of December 2, 1823, had become known in Europe, Canning, on March 4, 1824, had informed Parliament of the “Polignac Memorandum.” Samuel Flagg Bemis, John Quincy Adams and the Foundations of American Foreign Policy (New York, 1949), 382-93; Perkins, Monroe Doctrine, 58-82, 117-26; Whitaker, The United States and the Independence of Latin America, 437-46, 453, 464.
15 This word interlined by Clay in draft.
April 13, 1826. 21 This word inserted by September 8, 1825; with the former provinces as if they were sovereign and recognizing the status quo in respect to territorial possession. Twelve years later, however, the war had been resumed. Formal recognition of Dutch independence had not been granted until January 11, 1826; Everett to
ponent parts of the same power, debt was contracted by the common government for “There
derived just in the treaty, confirming the separation which has taken
place, President wants any stimulus, it may not be necessary for you to urge any thing on
the general benefit of all. The means to which both the public debtor and creditor
looked, for the redemption of the debt, at
12, 1826. It may not be necessary for you to urge any thing on
at the period when they declared themselves independent? As it is not apprehended that the disposition to peace, on the part of the new
Republics, wants any stimulus, it may not be necessary for you to urge any thing on
that head. In respectfully stating what appears to us might, and what could not be
done, by them, consistently with their independent national existence, it is intended to
place you in possession of the views of the President to be used by you or not, in
your conferences, according to your discretion exercised on the circumstances which
shall present themselves.”

At this point the following clause was stricken from Clay’s draft: “in which the U. States have no other than a collateral interest arising from friendly sympathy.”

Benjamin Franklin to Benjamin Vaughan, March 14, 1785, in John Rigelow (ed.), The Works of Benjamin Franklin (12 vols; New York and London, 1904), XI, 19-20. The next three sentences of the instruction were added by Clay as a marginal addendum to the draft.

This sentence interlined by Clay in draft.

See above, Clay to Middleton, May 10, 1825.

See above, Clay to King, May 11, 1825; Clay to Brown, May 13, 1826.

See above, Clay to Everett, April 27, 1825.

Above, Middleton to Clay, September 8, 1825.

Cf. above, Clay to Anderson and Poinsett, December 30, 1825; Clay to Everett, April 13, 1826. 21 This word inserted by Clay in draft.

Last five words inserted by Clay in draft.

See above, Maltitz to Clay, April 13, 1826; cf. above, Middleton to Clay, March 12, 1826.

This sentence added by Clay as marginal addendum to draft.

In 1609 the Spanish had concluded a truce with the Low Countries, treating with the former provinces as if they were sovereign and recognizing the status quo in respect to territorial possession. Twelve years later, however, the war had been resumed. Formal recognition of Dutch independence had not been granted until the Peace of Munster, in 1648.

Cf. above, Brown to Clay, July 15 (2), September 13, 19, October 29, 1825; January 11, 1826; Everett to Clay, August 12, 1825; March 13, 1826; Middleton to Clay, September 8, 1825; Clay to Anderson, September 16, 1825; Clay to Adams, April 14, 1826.

Remainder of paragraph not in Clay’s draft.

Salazar to Clay, March 19, 1826; Clay to Salazar, April 11, 1826.

Clay to Everett, April 13, 1826; Clay to Middleton, April 21, 1826.

Last seven words interlined by Clay in draft.

Last five words substituted by Clay for “just” in draft.

The following passage, which appears in Clay’s draft, was omitted at this point: “There is another view in which they might stipulate, in their treaties of peace, the payment of a gross sum, which would be void of offense, and is perhaps recommended by equity. Spanish America and the Peninsula having once been component parts of the same power, debt was contracted by the common government for the general benefit of all. The means to which both the public debtor and creditor looked, for the redemption of the debt, at the time it was created, were expected to be derived from the resources of the whole Empire. A separation ensues. Is it right that the old state should remain burthened with the entire debt? Would it not be

The slave trade had been condemned by the powers having once been

The letter was included among the documents confidentially published for the use of the Senate, as noted above, Clay to King, May 10, 1825.

Cf. below, Poinsett to Clay, July 12, 1826.

See above, Clay to Poinsett, April 14, 1825, note. The references to compilations of the United States statutes, here and later in this paragraph, relate to the edition published by John Bioren and William John Duane.

See above, II, 57-58. 42 Cf. above, Clay to Forbes, April 14, 1825.

See above, II, 427-28n; Lorich to Clay, March 16, 1825, note.

See above, Anderson to Clay, February 1, 1826.

One additional sentence concluded this paragraph in Clay’s draft: “Several instances of similar acts (one is just now recollected, directed against the Slave trade) not thrown into the graver form of treaties, occur among the transactions of the late European Congresses.” The slave trade had been condemned by the powers gathered at the Congress of Vienna in 1815, and they had called for its suppression “as soon as possible.” The Congress of Verona in 1822 had rejected a British proposal to abolish the slave trade but had issued a general denunciation of the traffic. William
The following additional clause was dropped from Clay's draft: "though we should behold such an event with much less repugnance than the acquisition of the island by any trans-Atlantic power."

Last two words interlined by Clay in draft.

Last eight words substituted by Clay for "arrayed on," as written in the draft.

Word substituted by Clay for "and" in draft.

Last two words interlined by Clay in draft.

Last sixteen words interlined by Clay in draft.

See above, Clay to Adams, October 3, 1825.

Last three sentences inserted by Clay as marginal addendum to draft.

Word interlined by Clay in draft.

Last three words interlined by Clay in draft.

Last two words substituted by Clay for "are now making" in draft.

Last fourteen words substituted by Clay for "his enlightened counsels" in draft.

On the events cited, see above, Poinsett to Clay, November 29, 1825; Allen to Clay, February 23, 1826. The last sentence substituted for the following passage in draft: "The postponement of the invasion can be attended with no injurious effect to the Republics. It would probably only occasion the loss of a single campaign, during which they will be consolidating their strength, which will enable them to undertake it with more ample and complete preparations, if they should finally resolve upon it."

The remainder of the paragraph appears in the draft as follows: "would seem to be, to have careful surveys made of the routes considered most practicable, and particular and accurate estimates of the whole expense [sic] of the undertaking on each route, if it should not at once be found to be beyond the compass of reasonable human exertion. You will therefore propose an arrangement by which the parties, who agree to it, shall, at their joint expense, cause those surveys and estimates to be made, as soon as may be, and stipulating that, upon their completion, they will again negotiate as to the further and most fit means of prosecuting and completing the work. If there should be some of the powers unwilling to conclude such an arrangement, you are authorized to enter into it with those who may be willing to contract it, but among these it is desirable that there should be Colombia, Mexico and the Central Republic, the consent of one of which may become indispensable [sic], if the best route should be ascertained to pass through its territory. As the whole expense of these surveys and estimates cannot be very great, it is not anticipated that any other rule will be proposed than that of an equal division of it among the parties; but if it be insisted to divide it in a proportion corresponding with the probable advantages which each may derive, from the execution of the work, you may agree to an apportionment [sic] on this latter basis, which, however, from the very nature of it must be, in a great measure conjectural. The faithful & speedy execution of the surveys and estimates would probably be promoted by confiding their superintendance [sic] to one or at most two powers, as a sort of Committee. If one be preferred [sic], and a wish be expressed that it should be the U. States, you may agree to it or to the nomination of either of the other powers. If two be thought a better number, you will still consider yourselves authorized to consent to the U. States being one of them, and being associated with either of the other Republics. Whilst you will, of course, avoid manifesting the slightest solicitude, for none need be felt, that the U. States should be designated, you will consider yourselves under no restrictions as to the Republics to be selected."

The sentence to this point was inserted subsequent to the writing of Clay's draft.

See above, Holden to Clay, July 16, 1825, note.

Last eight words interlined by Clay in draft.

Clay's draft concluded this sentence and the paragraph, down to the last sentence, as follows: "but an Independent French Colony. Under the actual circumstances of Hayti the President does not think that it would be proper, at this time, to recognize it as a new state. Perhaps it would be equally erroneous to commit the American nations to a joint declaration that, at no time here after, would they recognize it. The aspect of things may entirely change: France may be induced to renounce the monopoly which she has acquired; a respect, not now shewn, may be manifested in the island, for the feelings and the political privileges of other races as well as the African; in short, Hayti, as well by her competency to maintain equal relations with all foreign powers, as by the enforcement of order, justice, and good government at home, may evince that she is worthy to be received in the family of nations. In the mean time it is better, perhaps, to leave every State free to judge for itself on the happening of those or other contingencies."

The first amendment.
The Rt. Hon. Chas. R. Vaughan Envoy Extraordinary and Minister Plenipotentiary, from Great Britain
Sir,

I have just received intelligence that Captain D. C. Clevering [sic], Commander of H. B. M. Ship Redwing, on the 6th. day of December last impressed two Seamen from on board the American brig, Pharos of Boston, while she was at anchor in the harbour of Freetown, Sierra Leone, on the coast of Africa; that after ten days detention of one of them he was released, and that the other is still detained in the British service. Although these facts have been communicated through an official channel, the surprize which they justly excite creates an unwillingness to credit them. If, as we are bound at present to believe, they are well founded, Captain Clevering must not only have acted without but contrary to the orders of his Government. For it is otherwise impossible to believe that the outrage which they disclose should have been attended with the aggravating circumstance of being perpetrated in a season of profound peace between Great Britain and the rest of Christendom. Assuming however the information which we have received to be correct, the President cannot doubt that the conduct of that officer has been unauthorized, nor that the Government of His Britannic Majesty will promptly animadvert upon it in such signal manner as will prevent, by the example, the recurrence of similar
enormities in future. If you are without instruction on this subject, I have the honor to request that you will, with as little delay as possible, transmit this note to your Government.

I seize the occasion to tender to you assurances of my high consideration.

H. Clay.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 266 (M36, R3).

1 Above, Hodges to Clay, March 16, 1826.

DIPLOMATIC NOTES

May 8, 1826

From Peter Pedersen, Philadelphia, "Private." Thanks Clay for notice (not found) of Senate approval of the convention; notes three small typographical errors that should be corrected before exchange of ratifications; asks that (Richard) Rush provide him with a definition of “what constitutes an American vessel so as to entitle it to have the benefit of treaty stipulations. . . .” ALS. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).

INSTRUCTIONS AND DISPATCHES

May 8, 1826

From John C. Jones, Jr., "Oahu Sandwich Islands." Reports his arrival, in April, when he entered "on the duties of the Consulate"; credits the recent favorable aspect of American commerce in the islands to the presence of the Dolphin; and recommends an annual visit by a government vessel. ALS. DNA, RG59, Cons. Disp., Honolulu, vol. 1 (M144, R1). Received October 25.

MISCELLANEOUS LETTERS

May 8, 1826

From Langdon Cheves, "Board of Comrs. under the St. Petersburg Convention." Requests instructions relative to a point raised by the British Commissioner (George Jackson), who "alludes to a reason" previously urged by Cheves "for not agreeing to a proposal" and "adds that this reason would seem to be removed"; inquires "whether this negociation has been terminated, or . . . whether there is any negociation pending which forbids" his proceeding "under the provisions of the Convention in the execution of the duties it prescribes." ALS. DNA, RG76, Great Britain-Treaty-December 24, 1814 (M NP65-28, R1). Cf. above, Clay to Vaughan, April 19, 1826.

From Joseph Ray, Washington. Transmits "a representation of the case" which he had discussed with Clay earlier in the day; questions the grounds for "the interference of the Brazilian [sic] Minister [José Silvestre Rebello]"; promises to send, later in the day, "a Copy of the Decree banishing" him (Ray—from Brazil) and "evidence . . . of the repeal of said Decree." ALS. DNA, RG59, A. and R. (MR3). A letter of the same date transmitted the documents "as . . . promised in . . . [his] note of this morning." ALS, in DNA, RG76, Brazil Convention. Cf. above, Raguet to Clay, July 30, 1825. On March 1, 1825, Rebello had informed John Quincy Adams, Secretary of State, that Ray, who reportedly was to have been appointed United States consul for Pernambuco, was not acceptable to the Government of Brazil. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).
From John Sergeant, Philadelphia. Acknowledges receipt of Clay's letter of May 5; states that he has "reluctantly come to the conclusion to decline the Mission," since the required time of departure would result in his arrival in Central America when there would be "the greatest risk of sickness." ALs. DNA, RG43, First Panama Congress (M662, R1).

APPLICATIONS, RECOMMENDATIONS

May 8, 1826


James F. Conover, Washington, solicits appointment as a consul at a principal port of Europe or South America and encloses a letter of recommendation (dated May 3, 1826, from Robert Y. Hayne). ALS. Ibid. (M531, R2). See above, Carter to Clay, March 23, 1826, note.

George Peter, George E., Mitchell, Robert N., Martin, Thomas C. Worthington, and Peter Little, "Congress Hall," recommend Joseph Carey, Hyattsville, Maryland, for appointment to a clerkship. LS. DNA, RG59, A. and R. (MR1). Carey, not further identified, received no appointment.

Daniel Wynne, New York, notes permission granted him to delay his departure to take up duties as consul for Santiago de Chile (cf. above, Wynne to Clay, March 21, November 24, 1825); cites the "embarrassed state of commerce in this city at this time, and the little intercourse between the United States & Chile"; and requests either a transfer to Lima or Rio de Janeiro or appointment as consul general for Chile. ALS. Ibid. (MR4).

From William B. Rochester

Canal packet boat near Rochester 9th. May 1826 (confidential)

I am at this time on the eve of arrival at home\(^1\) as you will perceive by reference to the place whence I date: Have seated myself to give you hastily the result of some observations made upon the present state of things in New York— I may, doubtless shall be, wide of the mark in some of my suppositions, but the crude conjectures upon which I shall venture are such of the correctness of which I am strongly persuaded— I take time to say, that my intention is to return to the city of New York by the 22d or 23d inst. unless previously advised that the departure of Mr. Sergeant is to be deferred beyond that time\(^2\)—

In reviewing Mr. Clinton's course during the late Session of our Legislature, it is manifest to all that his policy was to harmonize as far forth as practicable all antagonist [sic] interests wishing no doubt for re-election by the united consent of all parties— By the means resorted to in order to effect such object, he has given much displeasure, especially to very many of his old adherents— that
reciprocal overtures for reconciliation between him & Mr. V. Buren were made is past all doubt— this negotiation however was not capable of being so managed as to be kept long secret and when palpably discovered by their respective past friends, was not to be submitted to by the latter— the fact of coalition would only have accellerated [sic] the political perdition to which the attempt alone has doomed them— the truth is, the great Demo: party must prevail in this state, and it is equally certain that Mr. Clinton can never again identify himself with that party—. By this I do not mean to intimate an opinion that he cannot be re-elected Governor—I beleive [sic] he will be, not however without a violent contest, and by a majority very much diminished—but whenever his designs upon the Presidency are openly developed [sic], then will it be that he is ripe for prostration—

he will be nominated at the Utica Convention, for around no other man can his friends rally with any possible hope of Success— Who is to be nominated at the Herkimer convention as the opposing candidate?26 All eyes are turned towards Mr. Sanford6 It is only feared that Mr. S. unconscious of his popularity may choose to shun the contest—may not be willing to jeopardize his present high standing with the General Administration by making an exhibition of his strength—

If he declines I know no man who can be opposed to Mr. C. with any probability of Success— even he (I think) will be beaten, but in this opinion I differ with many very intelligent friends both in New York & in Albany; they aver that they have most abundant cause to beleive, founded upon reasons to [sic] numerous to detail in a letter, that Mr. C.'s hold upon the confidence of the People is now retained by a most feeble tenure— It is needless to advert to the accidental & temporary causes of excitement which carried him in two years ago, as it were, by hue & cry— by way of illustration simply—Mr. Talmadge was elected on the same ticket with Mr. Clinton by the great majr. of about 30,000— at this time neither party is “so poor as to do him reverence”—he cannot get a nomination from either— the respective tickets will probably be Clinton for Govr.—Francis Granger of Ontario County for Lieut: Govr.—Sandford for Govr. & David E Evans of Genesee County for Lieut: Govr.— you'll observe the Western counties are to be courted—

The nomination of Mr. Evans will bring in the fragments of Mr. V. Buren's adherents— they, with their leader, will of necessity be obliged to support Mr. Sandford with apparent cordiality— By the way, on the subject of the contemplated co-alition [sic]. I did not bring my mind to give credence fully to it, until I met with Mr. Evans on a visit to New York on friday last— He is very much the friend & admirer of Mr. V. B. and as pure a man as ever lived— he
had no doubt but that such a co-alition was meditated, & is equally sure that it is abandoned—the project was one which recd Evans' pointed condemnation, and tho' it has evidently shaken in some small degree his confidence in Mr. V. B's consistency & stability, yet he excuses him on the supposition that the overtures proceeded from Marcy Talcott, Keyes &c without the privity of Mr. V. B.!!

On the subject of Mr. Clinton's pretensions to the Presidency, I may do him injustice—but I can not resist the confirmed belief I always entertained, that he is at bottom opposed to Mr. Adams—that at the last election he preferred Genl. Jackson—and that his preference will be liable to take the same direction on a future occasion unless he is in the field for himself, this last direction is most probable because it will be most in character— I regret to say that I believe him to be a stranger to gratitude or magnanimity.

The kindness manifested on the part of the General Administration towards Mr. C (tho' it may have made no impression upon him) has undoubtedly produced the best of feelings among a large portion of his political friends, i.e, the great body of the common friends of Mr. Adams & of Mr. Clinton—that portion who supported Mr. Adams cordially before and who are prepared to do so again—even agt. Mr. C. himself if he presumes upon their support at the end of the current four years—Among such there are a vast many who are convinced that the time for ever making Mr. C. Presdt. of the U.S. has gone by—Of this description I know there are several N.Y. M's. and Since my return to the State and finding how matters seem to be shaping in it, I am almost led to think that pains have been taken to produce among Mr. Clinton's N.Y. friends in Congress an erroneous opinion as to his individual feelings and views—In all this I hope I am mistaken—but my misgivings on this subject are strong—Why does Mr. C wrap himself up in so much mystery? if his pretensions and intentions are such as above estimated, the answer is an obvious one to become President he must continue to present a formidable front at home—to ensure a triumphant re-election to the post of Governor, it is of the last [sic] importance that he command[d] the united support of Mr. Adams' numerous friends in this State—

When in N. York the other day I was confidently assured by a Gentleman there of undoubted veracity (Genl. James Lynch) that upon the rising of our Legislature many of Mr. Clinton's warmest confidential friends who had been near him and with him at Albany for a month, came home and openly proclaimed their settled policy and determination to urge Mr. C's pretensions to the Presidency by every possible means—

I have written this letter, amid the hurry & bustle & confusion of a boat, on a folded sheet previously carried in my pocket—
May 9, 1826

hope you will overlook all the marks of haste & carelessness which show themselves in every line— Very truly Yours
Hon: H. Clay

WM. B ROCHESTER

ALS. DLC-HC (DNA, M212, R2). MS. torn.

1 The Washington Daily National Intelligencer of April 3, 1826, had announced that Rochester was "Among the visitors to the Seat of Government. . . ."

2 Cf. above, Clay to Sergeant, May 5, 1826.

3 See above, Porter to Clay, March 4, 1826; Hammond to Clay, March 16, 1826; King to Clay, March 21, 1826.

4 Cf. above, King to Clay, March 30, 1826, note.

5 "Before the adjournment of the legislature, each party held legislative caucusses, and each of them recommended a State convention, to nominate a governor; the Clintonians appointed their convention at Utica on the 21st September; and the democratic party appointed theirs at Herkimer on the first Wednesday in October." Hammond, History of Political Parties in the State of New York . . ., II, 228. Clinton was nominated at the Utica convention; Rochester, at the Herkimer assembly. On the outcome of the election, see below, Stuart to Clay, November 9, 1826.

6 Nathan Sanford.

7 See above, III, 776n; Porter to Clay, January 14, 1825.

8 James Tallmadge Jr.

9 Son of Gideon Granger. Born in Connecticut and educated at Yale College, Francis had moved with his father to Canandaigua, New York, where he had begun the practice of law in 1816. He was a member of the State assembly, from 1826 to 1828 and from 1836 to 1832; was unsuccessful as a candidate for Lieutenant Governor in 1828, for Governor in 1830 and 1832, for Vice President of the United States in 1836, and for Congress in 1836; was a member of Congress, from 1835 to 1837, from 1839 to March 5, 1841 (when he resigned), and from November 27, 1841, to 1843; and was United States Postmaster General in 1841.

10 Martin Van Buren.

11 William L. Marcy: Samuel A. Talcott: Perley Keyes. Marcy, a native of Massachusetts and graduate of Brown University, had begun the practice of law in Troy, New York, in 1811. He had held local office and was State comptroller, 1823-1829, and associate justice of the State supreme court, 1829-1831. He was United States Senator, 1831-1839; Governor of New York, 1839-1839; Secretary of War, 1845-1849; and Secretary of State, 1853-1857. Keyes, a farmer, appointed collector of customs for Sackett's Harbor in 1814, had been a Van Buren supporter in the New York Legislature for the past decade.

12 See above, Stuart to Clay, March 15, 1825, note.

13 Members of Congress.

INSTRUCTIONS AND DISPATCHES

May 9, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 33. Encloses a copy of "a long note on the subject of the claims for indemnities," which, after being drawn up, was not transmitted but which shows "the nature of the considerations" he has urged on the Spanish Minister (the Duke del Infatnado). Reports that, after much delay, the King has appointed (José de) Heredia and (Manuel Gonzáles) Salmón as commissioners to treat with Everett on the subject of claims. States that he sent the Duke "a copy of the President's Message to the house of Representatives respecting the mission to Panama [see above, King to Clay, March 21, 1826, note] . . . with a french translation of the passage relating to Cuba and Puerto Rico," and that the Duke told him of laying this passage before the King, who "was highly gratified with these amicable sentiments and proceedings on the part of the United States." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received July 11. On Salmón, see below, Everett to Clay, August 20, 1826.

From J[OZ] R. Poinsett, Mexico, no. 44. Reports that the Mexican "government has resolved to receive the French commercial Agent, Mr. [Alexandre] Martin"; notes the composition of the French fleet in the West Indies; interprets "the appointment of Mr Martin . . . as a proof of the pacific views of" France; states that the Mexican Congress has removed from the President (Guadalupe
SECRETARY OF STATE

Victoria) “the extraordinary powers conferred upon him . . . in December, 1824,” and that, as a result, less will be heard “of the dangers of foreign invasion or of internal commotions, which were strongly urged by Ministers as reasons for continuing to the Executive these extraordinary powers.” Encloses translation of a law recently enacted. L.S. DNA, RG59, Dip. Disp., vol. 1 (M97, R2). Received “17th [June].”

The enclosed act provides that Mexico will refuse any proposal from Spain not recognizing Mexican independence under its present form of government; that no demand for indemnity will be acceded to; and that any person subject to Mexican law “who shall propose or promote” such demand shall suffer death or imprisonment.

Alexandre Martin, appointed by France as its agent to Mexico on December 22, 1825 (see above, Brown to Clay, January 11, 1826, note), was not recognized by the Mexican Government as a commercial agent until November 20, 1826. He was named Minister Plenipotentiary for France in Mexico in August, 1831. William Spence Robertson, France and Latin-American Independence (Baltimore, 1939), 375-77, 545.

From John Rainals, Copenhagen. Refers to his “respects of the 26 Ultimo” (not found); reports that the Danish “Government has appointed Mr. Steen Bille” as replacement, “ad interim,” for (Peter) Pedersen, who has requested leave of absence; states that Bille will leave soon for the United States and will, according to rumor, have authority to negotiate a treaty of commerce (cf. above, Commercial Convention, April 26, 1826); notes continued depression in commerce and public funds in northern Europe. L.S. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3).

Steen Andersen Bille, born in Stege, Denmark, in 1781, had held a succession of minor foreign service positions, most recently as auditor at St. Croix, in the Virgin Islands, prior to this temporary assignment to the United States. He was named Minister Resident and consul general to Brazil in 1828 and successor to Pedersen in the United States, from 1830 to 1854.

MISCELLANEOUS LETTERS

May 9, 1826

From Sat[erlee] Clark, New York. Complains of the “bitter, unrelenting persecution” of himself, “not only by the late administration of the general government, owing to the personal hostility of Mr. Calhoun, but by the present executive”; cites, as proof, instructions given in a letter from (Stephen) Pleasonton to the district attorney, R(obert) Tillotson, in connection with a suit in the district court; challenges his “enemies to prove that” he has “done one act derogatory to the character of an officer or a gentleman”; declares: “I had offended Mr. Calhoun, I had resisted his assumption of power, I refused to become his political tool— I knew him to be a corrupt scoundrel, and I boldly, and pubhckly stated the facts from which I had drawn my conclusions, and in so doing it would seem that I have offended the President. Else Why does he sanction the conduct of Mr. Pleasonton, the agent of the Treasury? why has an attempt been made to arrest the course of justice?” Expresses hope that Pleasonton does not express the “views of the government” and that “the President will disavow an act which can not be justified.” ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Clark to Clay, September 10, 1825, note.

From [Louis] McLane, Washington. Notes that a claim by [James A.] Bayard's representatives “for a further allowance, rests upon the half outfit to London”;
requests Clay's attention to the matter, "for an early decision." AN. DNA, RG59, Misc. Letters (M179, R64). No further reference to Bayard's claim has been found. Cf. above, III, 54-55, 59-60, 257-58.

APPLICATIONS, RECOMMENDATIONS

May 9, 1826

ROBERT TAYLOR, Washington, recommends Hugh N. Pendleton, of Caroline County, Virginia, for a clerkship. ALS. DNA, RG59, A. and R. (MR3). Taylor, of Orange County, Virginia, a lawyer, had held local office, had been a member of the State Senate, 1804-1815, and was a Representative in Congress from 1825 to 1827. Hugh Nelson Pendleton, graduated from William and Mary College in 1818, a lawyer practicing in Caroline County and, later, in Louisa County and Richmond, received no Federal appointment. In 1846 he removed to Clarke County, Virginia, where he built the estate, "Westwood."

To William B. Rochester

William B. Rochester Esq. at Rochester N. York.

Sir. Department of State Washington 10 May 1826.

Considering the advanced State of the season, and the consequent danger to the health of Mr. Sargeant and yourself from a voyage to Porto Bello or Chagres, and the subsequent journey across the Isthmus to Panama, the President has determined to leave it to the option of each of you, whether you will proceed now, or wait until the fall. Mr. Sargeant will probably remain. Mr. Anderson having been instructed to repair from Bogota to Porto Bello, to join Mr. Sargeant there, the United States Sloop Lexington will proceed with as little delay as possible, from New York to convey Instructions to him, authorizing him, at his discretion, either to proceed to Panama, or to go to a healthful position to remain until the sickly season is over, or to return to the United States, and go back with Mr. Sargeant in the Autumn. If you choose to accompany Mr. Anderson, you can take passage in the Lexington; and, in that case, it will be desirable that you should, without loss of time, present yourself at New York, as the vessel ought to sail in about a fortnight. Should Mr. Anderson decide to proceed, at once, to Panama, he will be empowered to negotiate separately, if he shall find it expedient, without waiting the arrival of Mr. Sargeant. He will be, also, empowered, whether he proceeds to Panama or not, to communicate to the Congress our concurrence in the substitution to that place of some more eligible position.3

I am, respectfully, your obedient Servant.

P. S. Let me hear from you immediately.

H. CLAY.


1 John Sergeant.

2 See above, Clay to Anderson, March 15, 1826.

3 See above, Clay to Anderson and Sergeant, May 8, 1826.
From John Binns

Dear Sir,

Phila. May 10, 1826.

A strong conviction of the importance, and a strong feeling of the necessity, of what I am about to write induces me at this time to trouble you. I write for your own eye and ear. To them I feel that I may communicate [sic] frankly & freely. Although what I am going to write intimately involves [sic] my personal interests yet I trust those interests will be found so involved with those of the Adm’stration that they may not be deemed unworthy of your attention. With deep convictions that the support of the Adm’stration is the support of the best interest of the country it is surely allowable if not our duty to do those things which may honestly be done to give it strength. Circumstances, not necessary to be detailed, but which have eventuated in giving circulation and confidence to the Dem Press made it necessary for me to incur debts at Bank which press heavily upon me and the interest on which keep me drudging & slaving to pay it. I am greatly desirous to get rid of the principal, by honorable & well principled industry. If I could have bowed to any other I need not have incurred the debt or I might have paid it. I have two sources of revenue, my newspaper establishment and my commission as an Alderman. In my office as a magistrate I do more business than any Magistrate in Phila. save one and my business increases & has increased 33% every year since I have been commissioned. I need not say that conducting a political party paper is a great drawback on my business as a Magistrate. If I were to lay down, or sell my establishment, my office would bring me in, in two years, more than my office and my newspaper do now. This is a course I should greatly regret to pursue but that which I now pursue will not do. I cannot, at my time of life and with my large family, consent year after year, to struggle on in the hope the next year will be better than the last has been. Six or nine months ago I could have parted with my establishment advantageously or I might have had the whole subscription list and patronage of the Columbian Observer, if I would have fallen in with the opinion of Penna. so far as to support Genl. Jackson. This I would not, nor will not do. I cannot in principle support a Military Chieftain for Chief Magistrate. This I say without hesitancy or reservation so that in no event will the Dem Press, while I am its Editor, be found his advocate.

The influence of the Dem. Press in Pennsa. I say nothing of it beyond the bounds of the State, is known and felt on every political question. You Sir, know it very well from your own observation and intercourse with Pennsylvania. Excuse me if I occupy a few lines on this subject. What was the state of the Congressional
delegation from Penna. last year, compared with what it is now in relation to the Admn.? I think Kremer & McKeen & probably Ingham may be put out this fall then what will be the Pennsa. delegation? Twelve months ago, there were not five papers, and those all federal, in Penna. in favor of the Adm. now there are fifty and more. The change in public opinion is more than commensurate with that of the newspapers; to which I may also add that the Admn. of the State Govt. may now be counted among the frnds [sic] of the Adm. I had flattered myself and thought surely I should long 'ere this have had the printing to do for the Custom House and the Post office. It is quite otherwise. I find the offices of both establishments hostile to me & my newspaper. Not content with resigning their Subscriptions to my paper the Custom House officers think proper to throw any difficulty in the way of the passage of Official papers which are executed by Aldn. Binns. I say distinctly and decidedly that this is all wrong—unless in Politics we practise, what we preach in Religion, and render Evil for Good and Good for Evil. I do not ask any thing from the Admn. which is deemed unreasonable. I do not wish them to do anything which they shall consider in any way calculated to do them an injury; on the contrary I wish to be most distinctly understood, to be my opinion at least, that all I ask, if complied with, would essentially benefit the Adm's'tration, at least in Penna. I have written this, much in hurry and in my office; it is therefore less connected and less abridged than I could have wished. Allow me to express my thanks not only for the promptitude with which you sent me the authority to print the laws but for the friendly disposition you have on various occasions manifested since. I am aware of the length to which this letter has extended itself but I have no other apology to offer than to state that I wished to put you fully in possession of my wishes & feelings and views to the end that if I determined to dispose of my establishment, because I may conclude such a step will be most promotive of my interest, it may by you at least, be distinctly understood why I have taken this step. One word more. This is the last time I purpose to obtrude my private concerns upon your attention. Respectfully & Sincerely Your Friend John Binns.

ALS. DLC-HC (DNA, M212, R2).

1 The Philadelphia Democratic Press.
2 Binns held this office from 1822 to 1844.
3 Cf. above, Clay to Hammond, November 6, 1825, and note.
4 The Pennsylvania delegation in the House of Representatives on February 9, 1825, had given but one vote to Adams and twenty-five votes to Jackson. On March 14, 1826, Thomas Hale Sill, an administration supporter, had replaced Patrick Farrelly, a Democrat, as a member of the Pennsylvania Congressional delegation. Born in Connecticut and graduated from Brown University, Sill had begun the practice of law at Lebanon, Ohio, in 1809, but, in 1813, had removed to Erie, Pennsylvania. A deputy to the United States marshal (1816-1818) and to the State attorney.
general (1819), he had been elected to the State legislature in 1823. He was a member of Congress from 1826 to 1827 and from 1829 to 1831, president of the Erie branch of the Bank of the United States in 1837, and postmaster of Erie from 1847 to 1853.

Farrelly, a native of Ireland, had come to the United States in 1789, had studied law, and had begun practice at Meadville, Pennsylvania. A member of the State legislature in 1811 and 1812, he had served in Congress from 1821 until his death in January, 1826.

5 George Kremer, Samuel McKean, and Samuel D. Ingham were all re-elected. McKean, a Burlington, Pennsylvania, merchant and an officer in the State militia, had held local office, had sat in the State House of Representatives, 1815-1819, and was a member of Congress from 1823 to 1827 and 1829 to 1831. He became a member of the Pennsylvania Senate, 1829 and 1830; secretary of the Commonwealth, 1829-1833; and United States Senator, 1833-1839.

6 Cf. above, Binns to Clay, February 27, 1825; Markley to Clay, June 10, 1825. On the developing sentiment in Pennsylvania for the Adams administration, see Philip Shriver Klein, Pennsylvania Politics, 1817-1832, a Game without Rules (Philadelphia, 1940), 220-26.

7 Cf. above, Binns to Clay, April 11, 1826. John Steele was collector of customs and Richard Bache, postmaster. On the patronage situation in Philadelphia, see Klein, Pennsylvania Politics, 203-209, 219.

8 Letter not found. Cf. above, Binns to Clay, December 5, 1825.

From James Brown

My dear Sir

Paris May 10, 1826

I have had a paper which was sent me by Mr Beasley1 from Havre in which I find an account of a scene which happened in the House of Representatives, in which Mr McDuffie Major Trimble and Mr Vance were the principal actors2 which has given me much concern, and made me very anxious to have more fresh intelligence from the United States. These disputes at home have a very unfavorable effect upon the character of our government abroad, and in this point of view are to be deeply regretted by the friends of our Country and of its institutions. I presume Mr McDuffie is somewhat uneasy under the unpleasant impressions left on the minds of many by his affair with Cummings,3 and would not be dissatisfied [sic] if he could find an opportunity of removing those impressions. In the papers of London we found a short paragraph stating that the Secretary of State and Mr Randolph had fought a duel on the Banks of the Potomac and that a shot had passed through Mr Randolphs coat without doing him any injury.4 As I had not heard of any difference you had had with that gentleman I am induced to beleive [sic] that the news is without foundation, and that you will be so fortunate as to avoid a resort which seldom places the parties in a better situation than they were before an appeal to arms. We hope to receive the intelligence from New York by the way of Havre up to the 15 in the course of this week, and I shall not have my uneasiness removed until I hear from you. I fear you will experience during the first four years of Mr Adams Administration a combined opposition of the friends of all the Candidates which it will be very difficult to withstand.
In my last I mentioned my apprehensions that Mr Sheldon might again be attacked by the complaint in his breast which compelled him to spend some weeks last summer in Havre and at Dieppe. I hope the danger has disappeared and that his indisposition has proceeded entirely from a bad cold combined with a depression of spirits occasioned by the illness of his brother who died on the 7th. of a pulmonary consumption. I should be really sorry should any thing happen to deprive me of Mr Sheldon who is a man of great merit and every way worthy of confidence. If Mr Appleton should return to this place he would perhaps wish to spend some weeks in Paris and would in all probability be willing to do the duties of the Office and allow Mr Sheldon time to change the air by a trip to Havre or Dieppe. I have not heard from Mr Appleton for some time but I feel pretty confident he will not succeed in his attempt to obtain an adjustment of our claims at Naples.

This Government I believe finds some trouble in arranging the commercial treaty with Boyer and is therefore not very well satisfied with the Presidents Message respecting the Panama Mission so far as it touches on the state of St Domingo. Nothing has been said to me by Ministers indicative of this feeling but I find in the Moniteur some remarks which I consider official, and which leave me no doubt as to the impression which that part of the Message has made on Ministers. The Times an English paper has made remarks on the ordinance for the Emancipation of Haiti of a nature very similar to those contained in the presidents Message. It is generally thought here that the Haitien Government will not be able to pay for a great many years the sum of One hundred and fifty millions of francs to the Emigrants. I am persuaded another loan could not be obtained by it at Paris on the same terms as the last that is Eighty for One hundred.

The troubles in England arising from indigence on the part of the manufacturing portion of the community although less alarming than they have been, are yet a source of calamity the consequences of which it is impossible to foresee. The prosperity which England derived from supplying almost every nation with her Manufactures is now greatly circumscribed by the existence of manufacturing establishments in France, Germany, Switzerland and the United States of America, and the cheapness of provisions in these last with their comparative exemption from taxes will enable them soon to undersell the English in many fabrics of the most general use. The distresses of Great Britain and the weight of her National debt will I apprehend produce on this government a beleif that she may now attempt projects which she never would have
thought of executing had the power and prosperity of her rival remained in the condition in which they were believed [sic] to have been twelve months ago.

Since writing the above I have seen in the Globe, an English paper, an account of a meeting between you and Mr Randolph which although very brief, is yet so circumstantial as to excite my fears that the event has actually happened. It is out of my power to say what you ought to have done but I seriously apprehend you will incur much censure particularly in the Eastern section on account of this unpleasant affair. The disposition of Mr Randolph to attack with unmeasured severity all the acts of persons in office is so well understood that I would have supposed you might have trusted the vindication of your conduct and character to the enlightened judgment of your Countrymen. Duelling has of late years become unfashionable as well in Europe as in America, and instances have been very rare where individuals holding the highest offices in the Government have resorted to it. Without a full knowledge of all the circumstances connected with this unpleasant affair, I cannot pretend to form an opinion as to the Course which you ought to have pursued.

The whole attention of Europe seems now to be directed to the East and the determination of the Porte in answer to the ultimatum of the Emperor of Russia is waited for with great anxiety—He will be urged to compliance by all the European Cabinets and the last advantages gained by the Greeks at Missolunghi will come in aid of the pressing instances of the diplomatic corps. It is hoped that hostilities may be avoided but such is the capricious character of the Ottoman power that fears are entertained that the question may be submitted to the Divan and to the Janizaries and that they may decide in favor of War. In contemplation of the possibility of this result England is said to have resolved to increase her maritime force in the Mediterranean, and the French fleet at Toulon it is beleived has received orders to prepare for sea. I have had permission to read a letter from a very well informed person of distinction at Constantinople in which an opinion is expressed that the Emperor of Russia in case his present demands are acceded to will increase them in order to compel the Porte to make war which is beleived to be necessary to satisfy the wishes of the Russian Army.

A beleif that the King is too friendly to the Jesuits and too much inclined to favor the pretensions of the Romish Church has gained ground here during the last few months and has I think in some degree diminished the popularity with which Charles X ascended the throne. The press which is perfectly unshackled contains many
severe attacks on the government which is represented as encouraging the return of the order and placing them at the head of public instruction. The processions which took place during the Jubilee were attended by nearly two thousand Priests, the sacred relics were carried through the most frequented streets, and were followed by the King and Princes on foot—Various rumors are afloat respecting a change of Ministry all of which I believe to have no foundation. Mr de Villele retains his standing with the King and although sometimes in the Minority in the Chambers, yet commands sufficient influence to maintain his place and carry all questions in the success of which he feels a particular interest. It is possible some changes may be made in the Ministry, but the political course of Government will remain unchanged.

Mrs. Brown joins me in affectionate respects to Mrs. Clay who I hope in the midst of so many trying scenes as it has been her lot to experience retains her fortitude and health.

I am Dear Sir very truly Your Most Obed Servant

JAMES BROWN

Hon Henry Clay

ALS. DLC-HC (DNA, M212, R2).

1 Reuben G. Beasley.
2 See above, Crittenden to Clay, April 27, 1826, note.
3 See above, King to Clay, April 12, 1826.
4 Cf. above, Randolph to Clay, April 1, 1826, note.
5 Above, April 29, 1826.
6 Not identified.
7 Cf. above, Appleton to Clay, February 14, 1826; below, Clay to Appleton, June 8, 1826.
8 Jean Pierre Boyer. Cf. above, Holden to Clay, July 16, 1825. While the Haitian Senate in July, 1825, had ratified the ordonnance of Charles X preliminary to French recognition of Haitian independence and the Haitian Congress in March, 1826, had enacted legislation accepting the obligation to pay the requisite indemnity, efforts to formulate a commercial accord and to arrange for payment of the indemnity repeatedly broke down. A settlement was not achieved until 1838, when the amount of the indemnity was greatly reduced and commerce between the two countries was established on the basis of most-favored-nation treatment. Robertson, France and Latin-American Independence, 469, 479-81, 584.
9 Cf. above, Brown to Clay, April 27, 1826, note.
10 Le Moniteur Universel.
11 The Times, of London.
12 The Globe and Traveller, of London.
13 Nichols I. Cf. above, Brown to Clay, April 27, 1826; below, Middleton to Clay, June 13, 1826.
14 See above, Lafayette to Clay, April 28, 1826.
15 Roman Catholic religious observance, stemming from the mandate of Leviticus 25:10-13. Boniface VIII had decreed the observance in 1300, as a time when plenary indulgence might be granted to those confessing their sins and performing good works. Paul II had finally fixed the time of observance at every twenty-fifth year, extending from Christmas to Christmas. The last regular celebration was held in 1900. Jean Baptiste de Villèle.

DIPLOMATIC NOTES

May 10, 1826

To Peter Pedersen. States that the errors referred to in Pedersen's letter of May 8 "are altogether typographical," found only in the copy of the treaty sent him, and that "the original, as well as the ratified copy, . . . are both free from these errors." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 267 (M38, R3). LI draft, in CSmH.
From P[eter] Pedersen, Philadelphia, "private & Confidential." Expresses apprehension that his government may object to two articles of the convention (above, April 26, 1826) in which "the U. S. are named before the King of Denmark"; regrets being "so much hurried at the time of Signature as not to attend sufficiently to this formality"; suggests, if Clay approves, that "Mr. Raynals [John Rainals] . . . might be instructed . . ., in case he should find that on this score alone there was a hesitation on the part of" the Danish "Government to ratify and exchange, to declare, that there would be no objection on the part of the President, or the United States Government if in the Kings ratification, or in the publication of the Convention . . . in Denmark a transposition of the contracting parties should be adopted for" these articles. ALS. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).


INSTRUCTIONS AND DISPATCHES
May 10, 1826

From Thomas L. L. Brent, Lisbon, no. 22. Notes a presumption "that the new government [of Portugal] will be recognised by all the foreign powers," although "Spain has . . . taken some exception to it"; a continuation of "The English [sic] influence in this Country"; and the restoration of "the title and areas to what they were previous to the elevation of Brazil to the rank of a kingdom and union with Portugal," a reflection of the wish of the Regency and the public for "an entire and unqualified separation between the two kingdoms. . . ." States that the failure of Dom Miguel to return home from Vienna, and "his decided language in reproving any attempt to oppose the arrangements made by his Father [John VI] have been mortifying circumstances to the inextinguishable ambitions of the Queen [Carlota Joaquina]. . . ." Explains the King's reasons for having set aside the constitution of 1822. Encloses various documents. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received June 22. On the establishment of the regency in Portugal, see above, Brent to Clay, March 6, 1826. Also cf. above, Raguet to Clay, May 6, 1826. Brazil had been raised to equality with Portugal by decree of December 16, 1815, when, following the defeat of Napoleon, Dom John had returned the seat of government from Brazil to Portugal and assumed the throne as John VI.

MISCELLANEOUS LETTERS
May 10, 1826

To Langdon Cheves. States, in reply to Cheves' letter of May 8, "that no impediment exists to the resumption of the labors and progress in the business of the Commission, under the St Petersburg Convention. . . ." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 313 (M40, R19).

To John Adams Dix, New York. Offers, by authorization of the President, appointment as special messenger to Denmark, "charged with a Treaty recently concluded with that Power. . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, p.
MAY 10, 1826

Commissioned in the United States Army, in 1812, at the age of 14, Dix now held the rank of captain. He had been admitted to the bar of the District of Columbia in 1824 and, resigning from the Army in 1828, began the practice of law at Cooperstown, New York. He subsequently became active politically as a Jacksonian Democrat, was appointed adjutant general of New York (1833-1839), was elected to the United States Senate to complete an unexpired term (1845-1850), and was named postmaster of New York (1860-1861) and United States Secretary of Treasury (1861). With the outbreak of the Civil War, he returned to military duty as a major general and served throughout the war. From 1866 to 1869 he was United States Minister to France and from 1872 to 1874, Governor of New York.

From Moses Moorehead, Zanesville (Ohio). Notes that he “was a few days at Washington at the close of the last session” and tried twice, without success, to see Clay, for whom he professes friendship, “not . . . from policy” but “from principle”; approves Clay’s conduct in “the affair . . . with [John] Randolph” (see above, Randolph to Clay, April 1, 1826, note) and asserts that his critics “know nothing of that nobility of soul and determination of character which a man of honour possesses.” Adds: “I have been as far east as Phi’a and throughout our own State from the lake to the Ohio River and throughout I [sic] have found your old friends united in your cause as a band of brothers.” ALS. DLC-HC (DNA, M212, R2).

Moorehead had been a member of the Ohio Legislature, representing Belmont County, from 1810 to 1813.

From James Strong, Washington. Requests passports and “a letter or two” for Edward Robinson, a young man from “the Andover Theological Seminary—Mass—,” who “goes to Europe for purposes connected with general & biblical learning.” ALS. DNA, RG59, Misc. Letters (M179, R64). Born in Connecticut, Robinson had been licensed as a clergyman in 1822 and had taught Hebrew at Andover since 1824. After study in Germany from 1826 to 1830, he returned to Andover as professor of Biblical literature until 1833. He taught at the Union Theological Seminary, in New York, in 1837 and, devoting the remainder of his life to travel and writing, later published numerous scholarly works on the history and topography of the Holy Land.

APPLICATIONS, RECOMMENDATIONS

May 10, 1826

Aaron Vail, Washington, solicits appointment as a Spanish translator. Encloses letters of recommendation from (José Maria) Salazar and (Juan Maria) Gomez. ALS. DNA, RG59, A. and R. (MR1). Vail, son of Aaron Vail, served as a clerk in the Second Comptroller’s Office from 1819 to 1827 and was hired by the State Department for a limited amount of translation the last year. He was later appointed Secretary of Legation in Great Britain, from 1831 to 1832, Chargé there, from 1832 to 1836, special agent to Canada (1838) to investigate the imprisonment of Americans involved in the Canadian rebellion of 1837, chief clerk of the State Department from 1838 to 1840, and Chargé d’Affaires at Madrid from 1840 to 1842.
To John J. Crittenden

My dear Sir

Washn. 11h. May 1826.

I have rec'd. your acceptable favor of the 27th. Ulto. The affair with Mr. R. to which you refer with so much kindness was unavoidable according to that standard, my own feelings and judgment, to which its decision exclusively belonged. I rejoiced at its harmless issue. In respect to its effect upon me with the public I have not the smallest apprehension. Its general effect will not be bad. I believe it is the only similar occurrence which is likely to take place here. As to McDuffie and Trimble the general opinion here is that T. obtained a decided advantage, and in that opinion I understand that some of the friends of McD. concur. You will not doubt it when you read T's speech who really appears on that occasion to have been almost inspired. Mr. Gallatin is appointed to England, and there is general acquiescence in the propriety of his appointment. One Senator Mr R. made a violent opposition to Trimble's nomination, and prevailed upon four other Senators to record their negatives with him. He is perfectly impotent in the Senate, and has fallen even below the standard of his talents, of which I think he has some for mischief if not for good. The judiciary bill will most probably be lost by the disagreement between the two houses as to its arrangements. This day will however decide. My office is very laborious. Amidst sundry negociations & interminable correspondance I have nevertheless found time, during the winter and Spring, to conclude two Commercial treaties (one with Denmark and the other with Guatemala) which have had the fortune to be unanimously approved by the Senate. Their publication is deferred until they are ratified by the other parties. I purpose visiting Kentucky in June, if practicable. My health, never perfectly good, will I hope be improved by the journey.

I am rejoiced at the prospect which you describe of the settlement of our local differences. It will be as I have ever anticipated. I think, with deference to our friends, there has been all along too much doubt and despair. On the other hand, you should not repose in an inactive confidence. I believe with you that some of the Relief party have been alienated from me. Not so however I trust with Blair, to whom, and to Harvie I pray you to communicate the best respects of Yr's faithfully

H Clay.

John J. Crittenden Esq.

ALS. DLC-John Jordon Crittenden Papers (DNA, M212, R20).

1 See above, Clay to Gallatin, May 2, 1826, note.
2 On May 9 the Senate, by a margin of 27 to 5, had approved the nomination of Robert Trimble as an Associate Justice of the United States Supreme Court. The negative votes had been cast by John Macpherson Berrien, John H. Eaton, William
Findlay, Nathaniel Macon, and John Rowan. Berrien, a Georgia lawyer, was a native of New Jersey and a graduate of Princeton College. He had been judge of the Eastern District of Georgia (1810-1821), a captain of volunteers in the War of 1812, and a member of the Georgia Senate in 1822 and 1823. He was a United States Senator from 1825 to 1829, when he resigned to become Attorney General (1829-1831). He returned to the Senate from 1841 to May, 1845; November, 1845, to March, 1847; and November, 1847, to May, 1852.

3 See above. Hammond to Clay, January 4, 1826, note.

4 See above, Convention, December 5, 1825; Convention, April 26, 1826.

5 Francis Preston Blair; John Harvie.

INSTRUCTIONS AND DISPATCHES

May 11, 1826

To ALBERT GALLATIN, Baltimore. Informs him that his “nomination as Envoy Extraordinary and Minister Plenipotentiary to Great Britain was yesterday approved by the Senate”; notes that, though the President agrees that it would have been desirable to appoint him “a Special Minister[...], this arrangement [...] was not believed to be attainable, or at least its practicability was too doubtful to hazard the experiment”; suggests that, “by giving out in England that [...] his residence there will end with the conclusion of his negotiations, he “may avoid the inconvenience of a permanent mission”; states that “an equitable allowance” for copying will be provided from “the Contingent fund” and that “The option will be allowed to Mr. John A. King of remaining as Secretary of Legation if he chooses.” Enquires when Gallatin wishes to depart.


To JOEL R. POINSETT. Transmits Archibald Gracie’s letter of February 7, 1826; requests Poinsett to “afford official aid to the claimants. [...]” Cepy. DNA, RG59, Dip. Instr., vol. 11, p. 70 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

To JOHN SERGEANT, Philadelphia. States that his letter of May (8) “has been [... submitted to the President,” who “has concluded to postpone” Sergeant’s departure on his mission to the Panama Congress; that the Lexington will be sent immediately with instructions to (Richard C.) Anderson (Jr.), giving him the choice of returning to the United States, proceeding to Panama, or retiring “to some healthful position” for the summer; and that (William B.) “Rochester will also be allowed to decide for himself whether he will proceed in the Lexington, or remain until the fall.” Expresses a hope that the President’s decision will remove Sergeant’s desire to resign his appointment. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 69-70 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

From WILLIAM] TUDOR, Lima, no. 39, “Duplicate. Confidential.” Advocates “some plan [...] for placing our Consuls on a different footing”; refers to the difficulties of the office and the “very slight compensation,” wholly derived from fees which “expose a Consul to contention & insult” that he “could not endure” and stopped taking; points out that the death of (John B.) Prevost (see above, Tudor to Clay, March 29, 1825) left him “the only commissioned agent of the U.S. in this country” and that he has “for more than two years acted virtually as Chargé d’Affaires”; notes that the English Government has allowed $8,000 annual compensation to its consul at Lima; cites his extensive correspondence with other American agents in South America and asserts that, among them, he is “the only one without salary or commissions”; complains
of “having never received [from the State Department] even an acknowledgement of any of” his communications; asks that the President decide whether he “should not receive some compensation for these two years gratuitous service....” ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received October 24.

**MISCELLANEOUS LETTERS**

May 11, 1826

From Samuel Holt, Port Gibson (Mississippi). States his willingness to accept an appointment, which Thomas B. Reed wrote that he could have, as consul at La Guaira; concludes: “The debate on the Panama question has strengthened [sic] the Administration in our little State.” ALS. DNA, RG59, A. and R. (MR2). Daniel Brent replied, June 3, in the Secretary’s absence, that the appointment had already been conferred on John G. A. Williamson, and that there was “no vacancy in any other Consulate of the United States worth having....” Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 330-31 (M40, R19).

From the Secretary of the Navy [Samuel L. Southard]. Encloses papers (not found) which he asks Clay to peruse and return. AN. DNA, RG59, Misc. Letters (M179, R64).

**APPLICATIONS, RECOMMENDATIONS**

May 11, 1826

Frederick Jacob Wickelhausen, Bremen, reveals that “the extraordinary hardships of the times” have reduced him “to the sad necessity of suspending” his payments and that he will “have to rely for future support, almost entirely upon the Income” from his office as American consul; states that he was placed in that office, his “pride for the last 30 years,” by (George) Washington; and solicits continuation of the appointment. ALS. DNA, RG59, Cons. Disp., Bremen, vol. 1 (M-T184, R-T1). Received October 26. See above, Wickelhausen to Clay, July 15, 1825, note.

From G[eorge] Graham

Hon Henry Clay. Dept State. 12th May 1826.

Sir. In the cases of Lawrence Huff [sic]. representatives, & Nicho. Lecompte it will be necessary for you to have the papers completed agreeably to the endorsements made on them, at the time they were returned to you.

In the case of Wm Robertson, this Office has taken the proper steps to have the papers completed, and an answer from St Louis on the Subject is daily expected I am &c G GRAHAM


From Charles King

D Sir (private) New York Friday 12 May. 1826

The dispatches Sent some days ago by Mr Brent, were forwarded
May 12, 1826

To my father on the 8th. inst: by my younger brother Dr. King who has gone to England to accompany him on his return—the nomination of Mr Gallatin I think a very good one— Will you be good enough to ascertain from him & inform me when he will probably Embark on his mission— It may be important to the movements of my brother John & his family to know this—and Even to my father who may perhaps remain a few weeks longer—if there be any probability that by doing so, he could hand over the mission personally, to his Successor—

When will the Panama Commissioners go out? I should really fear for their health at this late Season— But I suppose they must go at any risk—and take the chance of adjourning to some more healthy spot—if Panama itself be unhealthy—

Ned Wyer tells me you are gaining health & strength I rejoice in this—and feel persuaded you are gaining morally & politically, as well as physically— Such an opposition is the fortune of the administration—

You will have seen perhaps that my partner Verplanck offers his half of the American for sale— I am in hopes to be able to purchase it on such terms as will enable me to make of it, what I feel it can be made. a Source both of reputation & profit— We Could no longer agree together and must part—tho' in friendship— Will Mr. Calhoun's or Jacksons friends do you think attempt to get possession of the paper? My chief apprehension is that they may, for the sake of neutralizing or impairing the effect of, the American, offer a larger Sum for this half, than I could see my way clear in giving. If you hear or Suspect any thing of this sort pray inform me— Believe me with great regard Yrs Ever CHAS. KING

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay and endorsed by him on verso: "... Answd. 15 May." Answer not found.

1 Daniel Brent had written Charles King on May 5, enclosing a duplicate of the letter to Rufus King (above, May 2, 1826) granting the latter permission to return to the United States. Brent reported that Clay wished the letter transmitted to Rufus King “by the earliest opportunity from New York which may become known. . . .” DNA, RG59, Dom. Letters, vol. 21, p. 311 (M40, R19).

2 Frederic Gore King, the youngest son of Rufus King, had been born in England in 1801, graduated from Harvard in 1821, and awarded the medical degree by Columbia in 1824. Having opened practice in New York in 1825, he had contracted a fever from which he never fully recovered and which may have induced him to make the voyage to England.

3 See above, Clay to Gallatin, May 2, 1826, note.

4 Cf. above, Clay to Gallatin, May 11, 1826.

5 Cf. above, Clay to Rochester, May 10, 1826; Clay to Sergeant, May 11, 1826; below, Macpherson to Clay, July 26, 1826.

6 Within the next few weeks King purchased Johnston Verplanck's interest in the New York American.
From Peter Pedersen, Philadelphia, "Private." Continues the subject of his note of May 10 by offering a further suggestion for changing two articles of the treaty about which he is apprehensive. AL. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).

From Charles R. Vaughan, Washington. Encloses a copy of a letter “from the Earl of Dalhousie, H.M. Governor General of Canada,” stating “that Mr. [John] Hale, the Agent for Gt. Britain to the Commissioners for settling the Boundaries under the 6th. and 7th. Articles of the Treaty of Ghent,” will not attend “the meeting of the Commissioners appointed to be held on the 22nd. Inst. at New York.” Expresses regret that he has no authority to appoint a substitute for Hale. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). The enclosures reveal that Hale, in Quebec, will not leave his wife, who “is . . . sinking under a long and painful illness.”

George Ramsey, an officer of the British army in the Peninsular and French campaigns of 1812 to 1814, had been created Baron Dalhousie in 1815 and appointed Lieutenant Governor of Nova Scotia the following year. He was Captain General and Governor in Chief of Canada, Nova Scotia, New Brunswick, and the islands of Prince Edward and Cape Breton from 1819 to 1828 and Commander in Chief of the East Indies from 1829 to 1832.

INSTRUCTIONS AND DISPATCHES

May 12, 1826

From Thomas L. L. Brent, Lisbon. Reports that "the courrier [sic] sent by the Ambassador of Spain [the Duke de Villahermosa] has returned with the answer of his court," which the Count of Porto Santo terms "conciliatory and not unsatisfactory . . ." ALS. DNA, RG59, Dip. Disp., Portugal, vol. 6 (M43, R5). Received June 22.

From John M. Forbes, Buenos Aires, no. 36. Submits, for "advice and instruction," certain doubts he has concerning a claim of Matthew L. Davis against “this government” for “certain advances made at the solicitation of Mr. Manuel H. Aguirre . . . to fit out and equip two Corvettes for the public Service of this Country.” Notes that a diplomatic agent of the United States should not use his influence in support of every claim advanced, that the diplomatic agent should not “appear as the direct personal agent of the party interested,” that Davis’ “agency was of a nature rather forbidden to our citizens, than sanctioned, by the then existing policy and laws of the United States,” and that, “after long and hopeless claims of payment,” Captain Skinner left “here with one of the Corvettes,” which he sold to the Brazilians and which “now figures among the blockading Squadron, under the name ‘Maria da Gloria.’” Encloses documents in connection with the claim. LS. Ibid., Argentina, vol. 3 (M69, R4). Published in Espil (comp.), Once Años en Buenos Aires, 423-24. Before the War of 1812 Davis (see above, III, 379n) had been a member of a firm engaged in South American trade. “Captain Skinner” was probably Joseph Skinner of New York, who had commanded a privateer during that conflict.
MAY 13, 1826

MISCELLANEOUS LETTERS

MAY 12, 1826

From ALBERT GALLATIN, Baltimore. Acknowledges receipt of Clay's letter of "yesterday"; wishes to be informed when to come to Washington for his instructions; expresses a hope that he will be ready to sail by "the middle of June"; suggests "that copies of maps and of extracts of the substance of the arguments on the subject of our Eastern boundary... be prepared." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29).

APPLICATIONS, RECOMMENDATIONS

May 12, 1826

EDMUND BROOKE, "War Department Pension Office," recommends his son, Robert, a resident of Georgetown, for "any vacancy" in the State Department. Encloses two letters "hastily addressed to Governor [James] Barbour, which were presented too late for the object for which they were intended." ALS. DNA, RG59, A. and R. (MR1). The enclosed letters of recommendation, both dated January 20, 1826, were written by C(harles) F(enton) Mercer and John Taliaferro. Cf. above, Mercer to Clay, January 20, 1826, note.

GIDEON WELLES, Hartford, solicits appointment as secretary to (Albert) Gallatin or, "if not as secretary, at least as bearer of despatches." ALS. NHI. Welles, born in Connecticut, had attended the American Literary, Scientific, and Military Academy at Norwich, Vermont, from 1823 to 1825, had returned to Hartford to study law, and in January, 1826, had begun work in the office of the Hartford Times and Advertiser. When his application to accompany Gallatin was rejected (letter not found), the young man, who had previously championed Andrew Jackson's candidacy in 1824, "set out with his pen to defeat Henry Clay and the Adams administration by working a second time for the election of Andrew Jackson as president." Richard S. West, Jr., Gideon Welles, Lincoln's Navy Department (Indianapolis, [c. 1943]), 29. Welles, who became part owner and editor of the Times (1826 to 1836), made it the first journal in New England to endorse Jackson's candidacy. Elected to the Connecticut Legislature in 1826, Welles held his seat until 1835, was State comptroller in 1835, 1842, and 1843; postmaster of Hartford from 1836 to 1841; chief of the Bureau of Provisions and Clothing for the Navy, 1846 to 1849; and, leaving the Democratic Party over the Kansas-Nebraska issue, became Secretary of the Navy from 1861 to 1869.

To Thomas Jefferson


Dear Sir,

Mr. Madison has transmitted to me the enclosed letters respecting a box of seeds sent from the Museum at Paris—Altho' I do not think that I have any thing to do with it, I have nevertheless complied with his suggestions in requesting Messrs. Mackay and Campbell\(^1\) to forward it for the use of the University of Virginia, to which I understand is attached a Botanical Garden:\(^2\) and I have taken the liberty also to request them to direct it to be placed under your care, for that institution.

With great respect &c.

H. CLAY—
To James Madison

James Madison Esqr. Montpellier [sic].

Dear Sir,

Department of State. 13 May 1826.

I received your letter of the 10th. Instant, transmitting those of Messrs. D' Espenville and Hersant respecting the box of seeds for the use of the Agricultural Society of Virginia. Although I do not myself perceive that I have any right to direct the disposal of it, I shall comply with your suggestion, in requesting Messrs. Mackay and Campbell to forward it to the University of Virginia.

With my best respects to Mrs. Madison.

I am truly your obedt. servt. H. CLAY.

INSTRUCTIONS AND DISPATCHES

May 13, 1826

From JAMES BROWN, Paris, no. 49. Transmits a copy of the law providing “indemnity of the ancient proprietors at St. Domingo,” as published in the Moniteur of May 1, the date the act became effective; notes that “the term for presenting the claims... is two years for the claimants residing out of Europe,” who should, in his opinion, lose no time in acting; encloses also “the Moniteur of this day,” containing much additional information in this connection. LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received June 22. Cf. above, Brown to Clay, February 13, 1826; April 27, 1826.

From JOHN RODGERS, “U.S. Ship N. Carolina Gibraltar Bay.” Reports that when at Tunis he was urged by (Charles D.) Coxe to demand for American commerce the concessions enjoyed there by the British and French; that he informed Coxe of his lack of authority to make such a demand; and that, if Coxe would state the disadvantages in writing, he would “Communicate them to the Department of State and be governed... by such instructions as it might hereafter think proper to give...” Encloses a letter received from Coxe. LS. DNA, RG59, Cons. Disp., Tunis, vol. 5 (M-T303, R5). Received July 22. The Coxe letter to Rodgers, found in same source, was dated October 15, 1825.
MAY 13, 1826

MISCELLANEOUS LETTERS

To ALBERT GALLATIN, Baltimore. Acknowledges receipt of his letter of May 12; states that his instructions will be ready “in about a fortnight ... , and that all the papers necessary to be taken ... to England will have been completed in the first week of June.” Adds that his commission will be delivered with the other papers unless he wants it earlier. ALS. NHi-Gallatin Papers (MR13). Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 71 (M77, R6); L draft, in DLC-HC (DNA, M212, R7).

To LEVI LINCOLN. Explains that he has been “charged by the President with the acknowledgment of his receipt of the letter addressed to him” by Lincoln on March 15. States that “Circumstances beyond our control have prevented the resumption of the negotiations” relating to the Northeastern boundary, “which were suspended in the summer of the year before the last, with an understanding between the parties that they were again to be renewed” (cf. above, Clay to Addington, March 27, 1825, note); that (Albert) Gallatin “will be instructed to lose no time in renewing the negotiations and bringing them to an issue” (see below, Clay to Gallatin, June 19, 1826); and that, if Maine and Massachusetts “should consider it necessary in conformity to the second Resolution of the Legislature of Maine, adopted in January last, ‘to cause the Eastern and Northern lines of the state of Maine to be explored, and the monuments upon those lines ... , to be ascertained in such manner as may be deemed most expedient,’ the President hopes their proceedings will be guided by” a “spirit of moderation and forbearance.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 316 (M40, R19).

From SAMUEL AKERLY, “Institn for the Deaf & Dumb New York.” Acknowledges receipt of Clay’s letter of May 2 (to the Institution for the Deaf and Dumb, New York); states that he has already received, and answered, “a similar request ... from Count D’Espainville [Auguste d’Espinville] thro’ Philip Hone, Mayor of this City”; sends “several pamphlets in duplicate”; describes the “flourishing condition” of the Institution; refers to the need for “additional means” and to a bill before Congress for a donation of land; asks Clay’s help in procuring for all “institutions for the Deaf & Dumb in the United States a portion of the public lands from which might be created a fund to educate this interesting part of the human race.” ALS. DNA, RG59, Misc. Letters (M179, R64). Akerly signs as “Secy N. York Institn for the Deaf & Dumb.” A graduate of Columbia College and a physician, he was superintendent of the New York Institution from 1821 to 1851.

Hone, a native of New York, had retired in 1821 from a prosperous auction business and served as mayor of that city for one year, 1825-1826. A trustee of Columbia College, a bank officer, and an active Whig politician, he was prominent in local cultural and business life until his death in 1851. Following the loss of his fortune in the depression of 1837, he returned to business briefly and, after a further bankruptcy, was appointed naval officer of the port in 1849.

A bill proposing relief for the New York Institution for the Deaf and Dumb had been reported on April 6 by a committee of the House of Representatives, but after it was referred to the Committee on Public Lands, in January, 1827, no further action was taken.

From JOHN SERGEANT, Philadelphia. Acknowledges receipt of Clay’s letter of May 11; accepts the appointment. ALS. DNA, RG48, First Panama Congress (M662, R1).
APPLICATIONS, RECOMMENDATIONS

May 13, 1826


ROBERT HARRIS, JR., Philadelphia, solicits appointment “as a Messenger to any foreign Government or any other situation of minor importance.” States that he had a medical education, had been a surgeon in the Navy from 1798 to 1803, and had engaged “in the Drug Business” until his stock had been destroyed by fire. ALS. DNA, RG59, A. and R. (MR2). Harris, not further identified, received no appointment.

INSTRUCTIONS AND DISPATCHES

May 14, 1826

From Enoch M. Lowry, La Guaira. Notes that he has received no reply to his letter of February 1; that his health and that of his family require their return to the United States; and that he has delegated the consular authority to John M. Foster. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Foster was an American merchant in La Guaira.

From Henry Middleton, St. Petersburg, no. 58. Reports that, during the visit of the Duke of Wellington (cf. above, King to Clay, January 20, 1826), the Russian Government delivered to Turkey “an Ultimatum, temperate in its tone,” and that Turkey accepted its terms (cf. above, Brown to Clay, April 27, 1826, note); notes details of the demand; expresses his belief that “war . . . will be once more staved off for a time,” while “the great object of the destruction of Grecian Independence will be urged & clandestinely aided by Austria, & have the good wishes at least of some other Governments.” LS. DNA, RG59, Dip. Disp., Russia, vol. 10 (M35, R10). Dated May 2/14, 1826; received July 17.

INSTRUCTIONS AND DISPATCHES

May 15, 1826

From John M. Foster, La Guaira. Urges sending a naval force off the coast, as the British have done, because of political disorder; notes that (Simón) Bolívar is anxiously expected and that only his timely arrival will thwart a movement to separate Venezuela from Colombia. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1299-1300. See below, Litchfield to Clay, May 22, 1826, note.

MISCELLANEOUS LETTERS

May 15, 1826

From David B. Ogden, New York. Solicits, at the request of Henry Eckford and Peter Harmony, “such a representation of” the case of the General Brown (see above, Tudor to Clay, June 8, 1825), “through our Charge D’Affaires at Peru as may insure them a speedy indemnity for the losses which they have most unjustly sustained . . . .” LS. DNA, RG76, Misc. Claims #1-235, file 1887, box 4. On the United States Chargé in Peru, see above, Tudor to Clay, March 29, 1825; below, Clay to Cooley, June 6, 1826.
From Peter B. Porter, Black Rock (New York). Encloses, "for the consideration of the President, a letter [not found] . . . received . . . from Mr. [Anchony] Barclay"; notes that the next meeting of the Board (of Commissioners under articles 6 and 7 of the Treaty of Ghent) has been postponed to June 22 (cf. above, Porter to Clay, November 16, 1825). ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI & VII, enc. 1, folder 1, item 69. Copy, in MHi-Adams Papers, Letters Received (MR477).

From James Russell, Thomas P. Green, and William Johnson, Jackson, Missouri. Report the transfer of ownership of the Jackson Independent Patriot from Russell to Green and Johnson. ALS by Russell. DNA, RG59, P. and D. of L. Russell, born in Rockbridge County, Virginia, had moved to Missouri about 1820, had acquired an interest in the newly founded Independent Patriot, and by 1824 had become the sole proprietor. He removed to St. Louis in 1826. Thomas Parrish Green, born in North Carolina, had moved at the age of 17 to Maury County, Tennessee, where in 1816 he had been ordained as a Baptist clergyman. The following year he had removed to Cape Girardeau County, Missouri. He was for many years an agent of the American Sunday School Union, founded in 1824. His publishing venture with Johnson on the Jackson Independent Patriot continued at least through the Adams administration, during which time the partners retained the contract to print the Federal laws. From 1829 to 1830 Green published a Baptist journal, The Western Pioneer, at Rock Springs, Illinois, and in 1835 he became pastor of the Second Baptist Church at St. Louis. Johnson has not been further identified.

From Lewis Weld, Philadelphia. Acknowledges receipt of a packet containing a letter from Clay (above, May 2, 1826); forwards reports of his institution and a copy of a letter he recently sent to the Abbé Perier, director of the Royal Institution at Paris. ALS. DNA, RG59, Misc. Letters (M179, R64). Weld signs as "Principal of the Penna. Instn. for Deaf & Dumb." Born in Connecticut and graduated, in 1818, from Yale, Weld had begun his career as a teacher at the American Asylum for the Education and Instruction of the Deaf and Dumb, renamed in 1819 from the Connecticut Asylum for the Deaf and Dumb, at Hartford. In 1822 he had become principal of the Pennsylvania Institution for the Deaf and Dumb, and in 1830 he returned to the American Asylum in this latter capacity.

From Nathaniel Williams, Baltimore. Requests authorization for the Attorney General (William Wirt), who has given his approbation to the request, "to assist & direct in" the prosecution of a case against John Gooding, charged with engaging in the slave trade. ALS. DNA, RG59, Misc. Letters (M179, R64). Williams, a Baltimore lawyer, had been appointed United States attorney for the District of Maryland in December, 1824, and was reappointed for successive four-year terms through 1840. Gooding, a Baltimore merchant, had earlier been a principal investor in privateering ventures during the War of 1812 and the years of Latin American revolution.

APPLICATIONS, RECOMMENDATIONS

F. H. Pettis, Washington City. States that, since writing his earlier letter (above, May 4, 1826), he has learned that (James) Barbour, upon whom he has greater claims than on Clay, will have additional clerkships to fill; notes, however, the provision that the salaries for these positions "shall not exceed $800," a sum
too small for his purposes; and renews his application to Clay, who has "long known" his "situation to be a delicate one." DNA, RG59, A. and R. (MR3).

Benjamin O. Tyler, Washington. Solicits appointment to a clerkship in the Department of State. ALS, Ibid. (MR4). Tyler received no appointment.

From James Madison

Dr Sir

May 16, 1826

I am very sorry that a lapse of attention on my part shd. have given you the trouble denoted in yours of the 13th. The communication inadvertently addressed to you was intended for your colleague of the War Department,¹ to whom as existing Presidt. of the Agricultural Society of Albemarle,² the Botanical Box ought to have been transmitted. I must ask the favor of you to hand over to him the misdirected letter, that whatever remains to be done in the case, may pass into the right hands.

With great esteem & cordial regards

J. M.

¹ James Barbour.
² The Agricultural Society of Albemarle had been formed as a five-county organization, centering at Charlottesville, in 1817. Madison had been president from its founding until at least as late as 1822.

Diplomatic Notes

May 16, 1826

From the Baron de Maltitz. Informs Clay of the death of the Baron de Tuyll and of a funeral service to be held on May 23. ALS. DNA, RG59, Notes from Russian Legation, vol. I (M39, R1). Dated "le 4/16 Mai 1826."

Instructions and Dispatches

May 16, 1826

From John MacPherson, Cartagena, "private." Complains of the "trifling" income from fees received by United States consuls at many ports, including "Carthagena . . . perhaps the most troublesome Consulate of the United States"; cites the "handsome provision," in the form of salary and "Fee list," made for the British consul; suggests adoption by the United States of a fee list, including charges, graduated according to tonnage, for receiving ships' papers. ALS. DNA, RG59, Cons. Disp., Cartagena, Colombia, vol. 1 (M-T192, R1). Received June 18.

Endorsed by Clay: "Acknowledge receipt of it & say that the condition of our Consuls deserves particular consideration— The provision for them is inadequate— His letter shall receive proper attention—

"Query—Would it not be well to enclose a Copy of this letter to mercantile bodies and to merchants and obtain their opinion as to the fitness of the fees suggested?"

Miscellaneous Letters

May 16, 1826

To Nathaniel Williams, Baltimore. States that, in compliance with Williams' "letter of yesterday," Clay has "this day written to Mr. Wirt, by the direction
To William Wirt, Baltimore. Refers to the desire of the district attorney for "professional aid in the conduct of" prosecutions at Baltimore (above, Williams to Clay, May 15, 1826); requests, by direction of the President, Wirt's "cooperation with him." LS. DNA, RG60, Letters Received from State Department (MR14).

To Robert P. Letcher

Pay to R. P. Letcher or order the sum of Four hundred dollars.
Cashr. of the Off. of Dt. & Dt. Washington.1

H. Clay

Receipt from Robert P. Letcher

Recd. of H. Clay a check for Four hundred dollars,1 the full sum due me, including a check for two hundred & fifty dollars,2 upon the Branch Bank of the U. S. at Washington City, which he transmitted to me last summer, & which is now in Ky., & shall be delivered to him when convenient

Robt. P. Letcher

From William Wirt


I have considered carefully the questions, which you have done me the honor to submit for my opinion on the construction of the award of the Emperor of Russia, & the convention of St. Petersburg made in subservience to that award,1 and have examined with great attention the documents touching those questions transmitted to me by your communication of the 8th. instant.2 The questions are

"1st.—Is interest a part of the indemnity awarded by the Emperor? "2nd.—Is the refusal of the British Commissioner to refer to the arbitration of the convention the disagreement between him & his American associate on the point of interest, warranted by the convention"?

After the most deliberate consideration of all the arguments, which have been urged pro and con., I am clearly of the opinion, that interest at least is a necessary part of the indemnity awarded by the Emperor; & that the refusal of the British Commissioner stated in your second question is not warranted by the Convention—
[States in considerable detail the reasoning by which he arrived at his opinion.]

And have the honor to remain Sir, very respectfully Your obedt. Servt

The Honourable Henry Clay Department of State.


2 See above, Wirt to Clay, May 7, 1826, note.

**DIPLOMATIC NOTES**

May 17, 1826

To the Baron de Malitz. Acknowledges receipt of his note (above, May 16, 1826) relative to the death of the Baron de Tuyll and to the funeral service to be held May 23; notes that “The Secretary of State will feel it to be his duty to attend on that painful occasion, and he will cause the officers of Government to be notified of the intended service that such of them as may think proper may have an opportunity of also assisting at it.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 268 (M38, R3). AL draft, in CSmH.

**INSTRUCTIONS AND DISPATCHES**

May 17, 1826

To John A. Dix, Washington. Instructs him to proceed to Copenhagen for the purpose of delivering to John Rainals, United States consul, a dispatch, “together with the President’s ratification of” the convention recently concluded with Denmark (above, April 26, 1826); states the sum allowed for his expenses and compensation; and authorizes him, if it appears “that the ratification by the King of Denmark [Frederick VI] will not be delayed beyond a reasonable length of time,” to “await the direction of Mr. Raynals [sic]” to bring the ratification to the United States. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 71-72 (M77, R6). L draft, in DLC-HC (DNA, M212, R7).

From J[eel] R. Poinsett, Mexico, no. 45. Encloses “the translation of a note from the Secretary of Foreign affairs of the Republic of Mexico” relative to the road from Santa Fé to Missouri (see above, Clay to Poinsett, March 26, 1825, note); reports that “The orders were dispatched to Mr. [George Champlain] Sibley by the last mail”; transmits also “the translation of a law passed by Congress in relation to duties on Exports . . . .” LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received June 21.

The note, signed by Sebastián Camacho and dated May 13, 1826, grants permission for Sibley “to make a survey of the western part of said road” but not “to mark out the same”; states that a Mexican agent cannot be sent to accompany Sibley; and expresses a hope that Poinsett’s government will not object to “Mexican Commissioners making the necessary surveys and observations within the limits of the United States.”

Sibley, born in Massachusetts and reared in North Carolina, had moved to St. Louis in the early 1800’s. He had been a factor of the Osage Trading House in Missouri since 1808, had participated in several official negotiations with the Indians, and now held appointment as one of three commissioners “to mark out” the Santa Fé road “to the boundary line of the United States . . . .” Quoted phrases from 4 U. S. Stat., 100.

entertained here” and shows “the fatal intoxication that must produce incalculable mischief to all South America”; transmits, also, “the gazette containing the documents relative to the dissolution of the Congress (cf. above, Tudor to Clay, April 25, May 6, 1826); criticizes at length General (Simón) Bolivar, whose “deep hypocrisy . . . has hitherto deceived the world” and who may be remembered “as one of the most grovelling of military usurpers”; cites Bolivar’s treatment of (José de) Lamar as a “profound” example of hypocrisy; comments that the execution of (Juan de) Berindoaga was the unfortunate consequence of controversy between Bolivar and the Peruvian Congress; notes that the event “will be attributed to personal vengeance,” since Berindoaga, known to have “entered warmly into the patriot cause,” had defected “owing to a terreur & abhorrence of the Colombians that had been generally inspired in Peru”; claims that “This unfortunate state of things has partly been brought on by the base & excessive adulation that he [Bolivar] has admitted, until it has become necessary to him”; and asserts that “at the slightest opposition he gives way to an unrestrained violence.” Notes abuses practiced by Bolivar’s dependents, “doubtless unknown to him”; restrictions on the press; the ruinous state of the finances; obstacles to Bolivar’s policies in regard to Chile, Colombia, and Upper Peru; and the possibility that, “if he engages in the meditated usurpation of this country, his only ally must be the Emperour of the Brazils.”

**MISCELLANEOUS LETTERS**

**May 17, 1826**

From William B. Rochester, Rochester (New York). Acknowledges receipt of Clay’s letter of May 10; states that he will leave the next day for New York, preparatory to sailing. ALS. DNA, RG43, First Panama Congress (M662, R1).

From Gustavus H. Scott, Cartagena. Reports the arrival, at Cartagena on May 10, of “Alexander Cockburn, British Min. Pleni­potentiary to this government & Mr Dorkins [Edward J. Dawkins] commissioner . . . to Panama.” ALS. DNA, RG59, Letters from Bearers of Dispatches. Received June 18.

**APPLICATIONS, RECOMMENDATIONS**

**May 17, 1826**

Philip J. Barziza, Williamsburg (Virginia), solicits appointment as bearer of dispatches to England or any European court; explains that he hopes to obtain work in England so as to establish “national rights to the property” of his grandmother, which has been denied to him because the government considers her British. ALS. DNA, RG59, A. and R. (MR1). Barziza’s grandmother was Lucy Ludwell (Mrs. John) Paradise, a native of Virginia, who had been married in London and had returned to Virginia after her husband’s death in 1796. Young Barziza received no appointment.

**INSTRUCTIONS AND DISPATCHES**

**May 18, 1826**

From James Brown, Paris, no. 50. Reports having been informed by “Colonel Latz, Agent of the Colombian Republic, . . . that his Government, apprehending
that Spain might refuse to acknowledge the independence of her former colonies, had instructed him to obtain, if possible, a truce or suspension of hostilities for the space of ten or twenty years”; that Lanz, under instructions from his government, had requested “the good offices” of the French Government “in persuading Spain to agree to” the plan; and that he had met a favorable response. Notes that, to an inquiry by Lanz in regard to the possibility that the President would approve the course adopted by the Colombian Government, Brown had said he was without information on this point and had stated his own objections to the plan. Cites an article “some months ago in a ministerial paper,” proposing a truce to end the war between Spain and her colonies, as the basis for his suspicion “that the measure has been suggested by this Government.”

From Robert Monroe Harrison, Antigua. Reports the seizure, “by the Collector of this Island,” of “the American Brig Nassau (owned by Messrs. William Penny & Sons of New York) . . . in consequence of three of her Crew having taken off from an Estate, and carried on board said Vessel, a piece of lead of about 1200 lbs weight”; condemns the rapacity of local officials; and suggests that Clay interpose with the British Government in the interest of Penny and Sons. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received June 8. Copy, in NHi-Gallatin Papers (MR13). Penny and Sons have not been further identified.

From J[ohn] M. MacPherson, Cartagena. Reports the cases of two American vessels—the Polly of New York, B. Vanburen, Master, and the Argunot, J. S. Boissierre, Master, which entered the port of Cartagena, then “sailed without making any report” to his office; points out that these vessels thus “violated the Law of Congress for the protection of Seamen” (cf. above, Clay to Quarrier, May 12, 1825); and asks that the law be enforced. Encloses certificates to be used as evidence. ALS. DNA, RG59, Cons. Disp., Cartagena, Colombia, vol. 1 (M-T192, R1). Received June 18. Endorsed in strange hand: “1826–20 June Enclosures sent to the District Attorneys at New York and Baltimore.” The Argunot appears to have sailed from Baltimore. Cf. below, Clay to Tillotson, June 19, 1826. No further identification of the vessels or their masters has been found.

MISCELLANEOUS LETTERS May 18, 1826

From Elijah Copeland, Jr., Boston. Requests, in behalf of himself and other owners “of the Brig Joseph & her Cargo,” that Clay “claim of the Brazillian Government all the damages” resulting from “the Brazillian Squadron in the River La Plata having prevented this vessel from proceeding . . . to . . . Buenos Ayres”; argues the illegality of the blockade. ALS. DNA, RG76, Misc. Claims, Brazil. Copeland not further identified. The Joseph, sailing out of Boston, had left Montevideo on March 1, 1826, when she had been intercepted by a Brazilian warship.

From Charles F. Mercer, “House of Rep.” Encloses a letter (not found) from (James Ewell) Heath, “the Auditor of public accounts” of Virginia, “one of the most intelligent as well as most amiable men in the State. . . .” ALS. DNA,
To Richard C. Anderson, Jr.

Richard C Anderson, Envoy Extraordinary and Minister Plenipotentiary. U.S. to the Congress at Panama.


The delay which has taken place in the Senate's approval of the nomination made by the President of Ministers to the Congress of Panama, and in the passage of the Law making the appropriation necessary to defray the expenses of the Mission, has created an apprehension that the health, if not the lives, of our Ministers and Secretary might be exposed to considerable danger from the advanced period of the year, in a passage across the Isthmus. We have had no intelligence as to the number of Ministers attending at Panama, nor whether their conferences have been yet opened. Information from Mexico assures us that, as late as, the last of March, those who have been appointed by the Government of the United Mexican States had not taken their departure for Panama. It is, moreover, not improbable that the attending Ministers will, before ours could now reach that place, have adjourned to a more favourable season. Under the combined influence of these several circumstances, the President has decided that Mr. Sargeant [sic] and Mr. Rochester should not be required, before the next fall, to proceed to their post, but should be allowed the option of remaining, until then, in the United States. Mr. Sargeant has availed himself of this option, and remains. We have not yet been advised of Mr. Rochester's determination. If he decides to go, he will have the charge of the dispatches intended for you, which, in the event of a contrary decision, will be committed to other hands.

I am directed by the President to submit to your determination, under the better lights which you will possess to guide your judgment, whether you will return to the United States, and remain here until the fall, then to proceed with Mr Sargeant, or at once pass over to Panama, or abide in Colombia, in some healthful situation, until the fall. In the first case, you may return in the vessel which carries out your dispatches, and which, for that purpose, is placed at your disposal. In the second, upon arriving at Panama, you will explain the causes of the previous absence [sic] of yourself and Colleague, and of his present detention in the United
States, giving assurances that he will join you, as soon as he can in safety.

From a view of your commission, Full power, and Instructions, (all of which are now forwarded) you will observe that you are authorized to enter separately on negotiations, in the absence of Mr. Sargeant. Whether you will do that or not, is confided to your discretion, under all the circumstances in which you will find yourself at Panama. It might be useful, in preventing, at a future period, unnecessary procrastination, to have an understanding with the other Ministers as to the peculiar objects on which it is proposed to consult and treat. Of these there may be some, to which, not having been anticipated, the Instructions of the attending Ministers do not extend, and they could, in the mean time, supply that deficiency by a resort to their respective Governments.

In the third contingency stated, you will communicate information to this Department of the place of your abode.

You will be most competent to estimate the perils of a journey, at this season, over land to Panama; and you may, also, have acquired information not possessed here, of the utility or necessity of your attendance or not, prior to the next fall, at the Congress. The President has entire confidence that your decision will be governed by a just weight of the considerations, personal and public, which belong to it. If you decline going, you are authorized and directed to employ a Special Messenger, at the expense of Government to convey information to the Ministers who have assembled at Panama, of the causes which have prevented you and Mr. Sargeant from joining them, and of the intention that both of you shall meet them as soon in the next fall, as the voyage and journey can be performed without hazard. And you are also authorized, in the same dispatch, or personally, if you should attend, to communicate the concurrence of this Government in an adjournment of the Congress to some position more eligible than that which has been selected. We should, of course, prefer one on, or near, the Gulf of Mexico or the Atlantic Ocean.

I transmit an official Note\(^5\) intended for the Ministers assembled at Panama, should they be yet in attendance there, to be forwarded in the event of your not going. And I also, send a Letter to our Bankers in London, authorizing them to accept your Drafts for your outfit.\(^6\) But this authority is not to be used by you if you do not proceed to Panama, because it is possible that subsequent circumstances may arise to prevent your going, altogether.

I am, with great respect Your obedient Servant \hspace{1cm} H. Clay

P S 20 May.

Since the preceding was written, we have just learnt through a Midshipman of the United States,\(^7\) arrived here, that, as late as the
middle of April he was at Panama; that he understood that the Ministers from two Powers, only, were attending; and that they contemplated adjourning until the fall. The probability, therefore, is strong that you will have heard of their actual adjournment prior to the receipt of this dispatch. In that case, you will have to decide upon either remaining in Colombia or returning to the United States to wait until the fall, as stated above. The bearer of these dispatches, Mr. Clifton Wharton (if Mr. Rochester should not go, and of his intention in that respect, we have not yet heard, and think it advisable not to wait to hear, but to send the bearer to meet him at Newyork, where he will decide) is directed to proceed to you as soon as practicable, by such conveyances as will carry him most directly and speedily. If he should be unable to find any, readily, a power is conferred on the Collector of New York to charter a vessel, and in that case, you can return in her, if you please. If one should not be chartered, no difficulty is anticipated, in your obtaining a conveyance to the United States, should you not remain in South America. The expenses to which you have been, and may yet be, subjected in consequence of being drawn from Bogota, will be equitably considered in the final adjustment of your accounts.

H Clay.

To the Ministers of the American Nations at Panama

Department of State Washington, May, 19. 1826.

The undersigned Secretary of State of the United States has the honor to inform the Ministers of the other American Nations now assembled at Panama, that subsequent to the acceptance of the invitation which was given by the Republics of Colombia, the United Mexican States and of Central America to the United States to send Ministers to the proposed Congress at Panama, Richard C. Anderson Junr. Minister of the United States at Bogota, and John Sergeant, Citizens of the United States, were appointed to
that service by the President thereof, by and with the advice and consent of their Senate, but that unavoidable causes delayed their departure on their mission, and that now, from the exposure to danger of their health, if not their lives, in consequence of the advanced state of the season, their attendance cannot take place before next fall. The undersigned deems it proper to accompany this explanation with an assurance that the Ministers of the United States will join those of the other powers as soon as they can in the approaching fall with safety to themselves. With the expression of an earnest hope that their absence may not have subjected the Ministers of the other American nations to any inconvenience he avails himself of the occasion respectfully to tender to them assurances of his distinguished consideration.

H. Clay.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 268 (M38, R3).

From Richard C. Anderson, Jr.

Dear Sir

Bogota May 19. 1826—

I regret to learn through the public papers that your health has not been good during the past winter, and I regret it especially as, if any fair inference can be drawn from those papers, of the course of business in your office, you never had more need of health and strength—

Here there is nothing interesting more than I have occasionally communicated to you in my public letters. This Government is greatly distressed for the want of Money.1 After Congress had closed its ordinary Session it was again convened under the proclamation of the Vice President2 to take into Consideration the state of the finances— The immediate & pressing difficulty is to raise the means of paying the interest on the European loan for July. The naval preparations go on as fast the [sic] means of the Government will permit them— This is done under the belief that the War will not have an early termination— And indeed the alarms on the Coasts of this country arising from reports of intended Spanish invasion are almost as frequent as the alarms in Cuba from reported Colombian invasions.

Bolivar was in Lima at the last advices— On the 8th of March, a sufficient number of deputies had not appeared to open the Peruvian Congress3— It is reported here that Bolivar will come to Panama—but it is not certainly known—

On all subjects here, save that of the finances, every thing goes on well— The domestic tranquillity is perfect— Commerce has Certainly greatly increased since my first arrival in the Country— Agriculture improves but more slowly, indeed there is nothing on
May 19, 1826

which I cannot see manifest improvement since I first came here—
The number of newspapers has doubled & if I may infer that the
number of readers has also doubled, this alone demonstrates a
most gratifying improvement.—

By some straggling newspapers to the 20th of March, which
have reached me, I learn that the Senate had confirmed the Panamá
Mission; I have not as yet received any communication from you
on the subject

I regret to say that my health is bad, indeed I have not been
well for many months. Be so good as to present me kindly to Mrs.
Clay. I am with Esteem & respect your friend

H. Clay Esqr.

R. C. Anderson Jr

ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received July 16.
1 Cf. above, MacPherson to Clay, May 6, 1826.
2 Francisco de Paula Santander.
3 Cf. above, Tudor to Clay, April 9, 25, May 6, 1826.
4 Cf. above, Clay to Anderson, March 15, 1826.

From Charles King

Dr Sir

I received your letter yesterday and thank you for the informa-
tion it contains— I think it probable that when my father knows
that Mr. Gallatin will embark here in June he will wait to hand
over the mission to him in person and that my brother John will
in that event return with him to this Country— This is of course
mere conjecture, tho’ I am persuaded John has no intention to
retain the station of Secretary of legation— It was only on my
father’s account that he took it at all— I suppose however of
course, that no appointment will be made of a Secretary ’till his
decision is communicated to the department— Mean time however
there will be doubtless many applications—and I am requested to
recall to your recollection a letter I wrote in favor of Mr Wm.
Beach Lawrence of this city in reference to the Secretaryship of
the Panama legation— This gentleman is, as I have before said
a man of fortune, of Education, of respectable and extensive Con-
nections—and well qualified by his habits of study, to do justice
to the station of Secretary of legation He will probably be spoken
of to you from some other quarters—and if Mr Gallatin, who knows
him should think favorably of his appointment, it would I think be
a good one in many points of view—

I am yet in the wind about the other half of the American— My
associate overrates its value— I hope however we may come to
an amicable & satisfactory arrangement—tho’ I am not without my
fears—
Write to me I pray you whenever your leisure will permit, and any thing occurs to render it interesting— I rejoice to hear that your health is improving, and hope we may See you here this Summer—

Yr Ever & Truly

CHAS. KING

ALS. DLC-HC (DNA, M212, R2). Addressed: "private H. Clay Esq."

1 Not found.
2 Rufus King.
3 Cf. above, Gallatin to Clay, May 12, 1826.
4 See below, King to Clay, August 12, 1826.
5 Above, December 9, 1825.
6 See below, Clay to Lawrence, September 28, 1826.
7 See above, King to Clay, May 12, 1826.

DIPLOMATIC NOTES

To [ERNST HEINRICH SCHIMMELMANN,] "The Minister of Foreign Affairs of His Majesty the King of Denmark." States that the treaty signed by (Peter) Pedersen and Clay on April 26, 1826, has been ratified by the President and that "the ratification thereof is now transmitted to Mr. John Rainals, ... to be exchanged against that of His Majesty the King of Denmark"; requests that Rainals be accredited. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 269 (M38, R3). ALI draft, in CSmH. Enclosed in Clay to Rainals, this date.

INSTRUCTIONS AND DISPATCHES

To JOHN RAINALS, "Consul U.S. Copenhagen." Transmits, "by Major [John A.] Dix, ... the American ratification" of the treaty recently concluded with Denmark (above, Convention, April 26, 1826) and instructs Rainals to exchange it "against that of Denmark." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 75-76 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).


MISCELLANEOUS LETTERS

To [JOHN QUINCY ADAMS], States, in response to a "Resolution of the House of Representatives" of May 16, asking "whether any arrangement has been made with the Government of Great Britain in consequence of the Resolution of the same House of the 23. December 1823 recommending that a negociation should be opened for the cession of certain Keys on the Bahama Bank," that (Richard) Rush failed to obtain concessions, that Rush's successor (Rufus King) was instructed to renew the negotiation, that "no intelligence has been yet received ... of the renewal," and that (Albert) Gallatin will be instructed to continue the effort. Copy. DNA, RG59, Report Books, vol. 4, p. 164. Published in American State Papers, Foreign Relations, VI, 3, under date of May '18. See above, Rush to Clay, May 12, 1825, and note; Clay to King, November 15, 1825; King to Clay, April 11, 1826; below, Clay to Gallatin, June 21, 1826.
From GuLian C. VERPLANCK, "House of Representatives." Transmits additional documents relating to the case of the Hope (see above, Mercein to Clay, April 21, 1826); suggests that, if prompt payment of the claim can not be expected, (John M.) Forbes be instructed to obtain compensation in the form of interest bearing, transferable "Notes, certificates or other evidence of debt. . . ." DNA, RG76, Misc. Claims, Buenos Aires. Dated May 19. Endorsed: "... 19 May 1826. . . ."

APPLICATIONS, RECOMMENDATIONS May 19, 1826

WILLIAM ARMSTRONG, ALFRED H. POWELL, and CHARLES MERCER, House of Representatives, recommend William S. Naylor of Romney, Virginia, "educated for the Bar," as a clerk in the State Department. ALS by Armstrong. DNA, RG59, A. and R. (MR3). Armstrong, born in Ireland, a lawyer, of Romney, Virginia, had been a member of the Virginia House of Delegates in 1822 and 1823 and was a Congressman from 1825 to 1833. Powell, who served one term in Congress (1825-1827), was a graduate of Princeton and a lawyer in Winchester, Virginia. He had been a member of the State Senate from 1812 to 1819. Naylor, not further identified, received no appointment.

JOHN BARNEY, House of Representatives, recommends (Louis) Eichelberger for an appointment in the State Department. ALS. Ibid. (MR2). Eichelberger, educated at Litchfield, Connecticut, for the practice of law and admitted to the Baltimore bar in 1814, had been secretary of that association since 1823. He received no Federal appointment.

Ezekiel F. CHAMBERS, Clement DORSEY, Samuel SMITH, John Barney, George E. MITCHELL, Peter LITTLE, and George Peter, Washington, recommend Dormer Oakes of Maryland for a clerkship. ALS by Chambers. Ibid. (MR3). Chambers, Chestertown, Maryland, lawyer, had been named to the United States Senate to fill the vacancy occasioned by the resignation of Edward Lloyd and served from January, 1826, to 1834. He was afterwards a district judge and a judge of the Maryland Court of Appeals. Oakes, not further identified, received no appointment.

To [John Quincy Adams]

Department of State, Washington 20 May, 1826.

The Secretary of State in compliance with a Resolution of the Senate of the 5th. March 1824, which was referred to this Department, requesting the President "to cause to be laid before the Senate, copies of the several instructions to the ministers of the United States to the government of France, and of the correspondence, between the said ministers and government, having reference to the spoliations committed by that power on the commerce of the United States anterior to the 30th. of September, 1800; or so much thereof as can be communicated without prejudice to the public interests, also, how far, if at all, the claim of indemnity from the government of France, for the spoliations aforesaid, was affected by the convention entered into between the United States
and France on the said 30th. of September 1800."\(^1\) has the honor to report to the President copies of so much of the instructions and correspondence in question, as is supposed to be embraced in the call of the Senate; to which are added copies of other papers and documents, to a great extent, which are believed to be within the intention if not comprehended in the terms of the resolution of the Senate. By a reference to former messages to Congress and to the public documents, the publication of which had been authorized, from time to time, by Government, it will be perceived that many of the papers now reported have been already communicated to Congress, or spread before the public through the medium of the press: but it has been thought, nevertheless, expedient to submit them in their present collected form, that a full and connected view might be presented at the same time. There may be even yet remaining in the archives of the Department others having a bearing on the subject, which escaped our diligence and researches.

My predecessor\(^2\) was unable to command from the other important duties, which he had to perform, sufficient time to have this collection completed during his continuation in office after the passage of the resolution of the Senate. The same cause, not less sensibly felt by his successor, has delayed this Report until the present period. And he feels himself required to state that, without material injury to the public service, he was himself unable to examine the many volumes containing the very extensive correspondence, from which the copies and extracts now submitted have been taken; or even attentively to peruse the whole of those copies and extracts, which have been just finished. The desire to present them to the Senate in conformity to the anxious wish of the claimants before the close of its present session, renders these explanations necessary, and it is hoped that they may prove satisfactory.

The closing paragraph of the resolution of the Senate enjoins another duty which, from the ambiguous manner in which it is expressed, the Secretary feels some difficulty in clearly comprehending. The Senate resolved "That the President of the United States be requested to cause to be laid before the Senate copies" &a. and concludes by requesting, to cause also to be laid before the Senate "how far, if at all, the claim of indemnity from the government of France for the spoliations aforesaid was affected by the convention entered into between the United States and France on the said 30th. of September 1800."

The Secretary can hardly suppose it to have been the intention of the resolution to require the expression of an argumentative opinion as to the degree of responsibility to the American sufferers
from French spoliations which the Convention of 1800 extinguished on the part of France or devolved on the United States, the Senate itself being most competent to decide that question. Under this impression, he hopes that he will have sufficiently conformed to the purpose of the Senate by a brief statement, prepared in a hurried moment, of what he understands to be the question.

The second article of the Convention of 1800 was in the following words: "The ministers plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of 6th. February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th. of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:" When that convention was laid before the Senate, it gave its consent and advice that it should be ratified, provided that the second article be expunged, and that the following article be added or inserted. "It is agreed that the present Convention shall be in force for the term of eight years from the time of the exchange of the ratifications." And it was accordingly so ratified by the President of the United States on the 18th. day of February 1801. On the 31st. of July of the same year it was ratified by Bonaparte, first consul of the French Republic, who incorporated in the instrument of his ratification the following clause as a part of it:

"The government of the United States having added to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the government of the French republic consents to accept, ratify and confirm the above convention, with the addition that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: provided that by this retrenchment the two states renounce the respective pretensions which are the object of the said article." The French ratification being thus conditional was nevertheless exchanged against that of the United States at Paris on the same 31st. of July. The President of the United States considering it necessary again to submit the Convention, in this state to the Senate, on the 19th. day of December 1801, it was resolved by the Senate that they considered the said Convention as fully ratified and returned to the President for the usual promulgation. It was accordingly promulgated, and thereafter regarded as a valid and binding compact. The two contracting parties thus agreed by the retrenchment of the second article, mutually to renounce the respective pretensions which were the object of that
article. The pretensions of the United States, to which allusion is thus made, arose out of spoliations under color of French authority in contravention to law and existing treaties. Those of France sprung from the treaty of alliance of the 6 February 1778, the treaty of amity and commerce of the same date, and the convention of the 14th. of November 1788. Whatever obligations or indemnities, from those sources either party had a right to demand, were respectively waived and abandoned. And the consideration which induced one party to renounce his pretensions, was that of the renunciation of the other party of his pretensions. What was the value of the obligations and indemnities so reciprocally renounced can only be matter of speculation. The amount of indemnities due to citizens of the United States was very large, and on the other hand, the obligation was great (to specify no other French pretensions) under which the United States were placed in the 11th. article of the treaty of alliance of 6 February 1778, by which they were bound forever, to guarantee from that time, the then possessions of the Crown of France in America, as well as those which it might acquire by the future treaty of peace with Great Britain; all these possessions having been it is believed conquered, at or not long after the exchange of the ratifications of the Convention of September 1800, by the arms of Great Britain from France.

The fifth article of the amendments to the Constitution provides—"nor shall private property be taken for public use without just compensation." If the indemnities to which citizens of the United States were entitled for French spoliations, prior to the 30 September 1800, have been appropriated to absolve the United States from the fulfilment of an obligation which they had contracted, or from the payment of indemnities, which they were bound to make, to France, the Senate is most competent to determine how far such an appropriation is a public use of private property within the spirit of the Constitution, and whether equitable considerations do not require some compensation to be made to the claimants. The Senate is best able to estimate the probability which existed of an ultimate recovery from France of the amount due for these indemnities if they had not been renounced, in making which estimate it will no doubt give just weight to the painful consideration that repeated and urgent appeals have been, in vain, made to the justice of France for satisfaction of flagrant wrongs committed upon property of other citizens of the United States, subsequent to the period of 30 September 1800.³

All which is respectfully submitted.


To Saterlee Clark

Saterly Clark Esqr. at New York: Washington 20th. May 1826.—

Dear Sir,

Immediately upon the receipt of your letter of the 9th. inst., having had previously no knowledge of the pendency of the suit against you to which it refers, (if I ever heard of it, I had forgotten it) I sent for Mr. Pleasonton, who made such statements as satisfied me that the order to dismiss the suit was dictated by no spirit of unfriendly or personal feeling, but by considerations of public duty. After the commencement of a suit in behalf of the U. States against an individual, and he has been subjected to costs, which, in no event, are re-imbursable, the case ought to be a strong one, in which the power of dismissing, and again renewing the suit in the same, or another court, should be exercised. Such a case may, nevertheless, happen. In your instance, I am inclined to think that the remedy for the supposed error of the court ought to have been sought in an appeal, rather than in the dismissal of the suit. The whole management of that suit, I need scarcely say to you, was an affair of detail, in the course of official administration, with which the President could have had nothing whatever to do.— I have no doubt that he is quite as ignorant of what has been done, or ordered to be done in the cause, as I was myself, prior to the receipt of your letter. The duty, you must be sensible, of enforcing the recovery of balances due to the public, must be fulfilled, not oppressively, but fulfilled, nevertheless, firmly and faithfully. There cannot be in the performance of it (at least should not be) any favoritism. I am quite sure you desire none.—

With my thanks for the sentiments of personal kindness which you have expressed towards myself— I am yr. obedt. servant.

H. CLAY.—

INSTRUCTIONS AND DISPATCHES

May 20, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 34. Reports conversation "with the Commissioners appointed to treat with" him "upon the subject of indemnities" (see above, Everett to Clay, May 9, 1826) but found that they had received no instructions; encloses copies of notes he transmitted to the Duke (del Infantado), one concerning a particular class of claims and the other renewing efforts "in favour of the recognition of the Colonies"; notes delivery by Russia of "an ultimatum to the Porte" (see above, Brown to Clay, April 27, 1826),

From [JOHN] M. FORBES, Buenos Aires, "Private." Notes that he has employed "a Secretary, or Copyist"; requests Clay's approval. LS. DNA, RG59, Cons. Disp., Buenos Aires, vol. 2 (M79, R3). Received September 28. Published in Espil (comp.), Once Años en Buenos Aires, 424-25.

From JOHN IRWIN, Port au Prince. Reports having assumed "the duties of this Agency," in the absence of Andrew Armstrong; sends a copy of "a law respecting Haytien vessels lately enacted by the Government of this Island." ALS. DNA, RG59, Cons. Disp., Cap Haitien, vol. 5 (M9, R-T5). Received July 16.

From HENRY TOLAND, Philadelphia. Acknowledges receipt of Clay's letter of May 8 (not found); states that he has "again trespassed on" Clay "by giving a letter of introduction, to . . . F[ran]cis, G. McCauley"; notes that, if William H. Smith's application for the consulate at Canton is to be granted (cf. above, Sergeant to Clay, April 29, 1826, note), the commission should be sent by the Caledonia, which is scheduled to depart soon. ALS. DNA, RG59, A. and R. (MR1). McCauley, a native and resident of Pennsylvania, was appointed in 1829 as a purser in the United States Navy. He received no office under the Adams administration.

On May 22 Daniel Brent informed Toland, "by direction of the Secretary,"

MISCELLANEOUS LETTERS

May 20, 1826

From H[ENRY] TO LAND, Philadelphia. Acknowledges receipt of Clay's letter of May 8 (not found); states that he has "again trespassed on" Clay "by giving a letter of introduction, to . . . F[ran]cis, G. McCauley"; notes that, if William H. Smith's application for the consulate at Canton is to be granted (cf. above, Sergeant to Clay, April 29, 1826, note), the commission should be sent by the Caledonia, which is scheduled to depart soon. ALS. DNA, RG59, A. and R. (MR1). McCauley, a native and resident of Pennsylvania, was appointed in 1829 as a purser in the United States Navy. He received no office under the Adams administration.

APPLICATIONS, RECOMMENDATIONS

May 20, 1826

PETER LITTLE, Washington, transmits a letter (addressed to Little on May 3) from James Williams, who wishes appointment as either receiver or register of public lands in East Florida. ALS. DNA, RG59, A. and R. (M531, R8). See above, Williams to Clay, March 10, 1825.

DUTEE J. PEARCE, ASHER ROBBINS, TRISTAM BURGES, and N[EHEMIAH] R. KNIGHT, Washington, recommend E. Kingman, of Rhode Island, for a clerkship and assert “that not one of the Clerks now employed in the offices is from Rhode Island and that but one appointment was ever made from that State.” LS. DNA, RG59, A. and R. (MR2). Kingman, not further identified, received no appointment.

SAMUEL SWAN, House of Representatives, recommends Samuel Bayard, a “mutual friend,” of Princeton, New Jersey, for a foreign post. ALS. Ibid. (MR1). Swan, a physician, of Boundbrook, New Jersey, was a member of Congress from 1821 to 1831. He had been, earlier, sheriff and clerk of Somerset County. Bayard, a cousin of James A. Bayard, had been graduated from Princeton, had studied law and practiced that profession in Philadelphia and New York, and, since 1806, had resided on his estate at Princeton. A Federalist, he had served in the New Jersey Legislature and for many years had been presiding judge of the court of common pleas of Somerset County, New Jersey. He did not receive the appointment here recommended.

DANIEL WYNNE, New York, inquires about his application of May 4 (i.e., May 8) for appointment as consul to Chile. ALS. DNA, RG59, A. and R. (MR4).

To [Jared] Sparks

Washington 21st. May 1826

My Dear Sir

The Work of which I spoke to you has the title of “The Modern Traveller. A popular description, Geographical, Historical, and Topographical, of the various Countries of the Globe” and was published in London & printed for James Duncan, in the last year. It treats of Mexico and Guatemala, Colombia, Brazil and Buenos Ayres, in five volumes, besides other countries.1 Not having been yet able to peruse it, I can say nothing of the talent displayed in its execution. Your’s faithfully

H. CLAY

Mr. Sparks.

ALS. NIC.

1 Josiah Conder, London bookseller, editor, and clergyman, was author of the series which ultimately ran to thirty volumes, published initially in London but republished in Boston and Philadelphia. 1825-1831. The accounts of Mexico and Guatemala were volumes 25 and 26; of Colombia, volume 27; of Brazil and Buenos Aires, volumes 29 and 30. Conder had edited the Eclectic Review since 1814 (until 1837) and from 1832 to 1855 was editor of the London Patriot, an evangelical journal.
DIPLOMATIC NOTES

From Peter Pedersen, Philadelphia, “private.” Acknowledges receipt of Clay’s letter of May 12, which “considerably has contributed to quieting” his apprehensions; asks pardon for the suggestion he had made, “since it was deemed inadmissible”; states that he has secured passage for London; and requests Clay to favor him with a letter to the Count de Schimmelmann “(with a copy thereof for . . . private use). . . .” ALS. DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).

To James Brown

Washington 22d. May 1826.

The stormy session, through which we have passed, closes to day. It has terminated by the development [sic] of Administration majorities in both houses. In the Senate, the Opposition is powerful in reputed talent, and respectable in numbers, but it has been weak and injudicious in its assaults. A reaction, from the Country, strong and overwhelming continues to demonstrate the growing strength of the Administration and the increased confidence of the Country. I have no fears for the future.

I have not yet had sufficient leisure to devote my attention to our French affairs. I shall take them up in the vacation of Congress and endeavor to give some fresh impulse to them.¹ For the present the idea of a Special Mission is abandoned.² Mr. Gallatin is here preparatory to his departure to London, which will take place next month.³ His appointment has given general satisfaction.

I recd. this day your letter of the 1st of April.⁴ The sad prospect of Grecian affairs has occasioned me much concern. A bill had [sic] just passed here to enable government to afford them some incidental aid by the purchase of one of two Frigates which are built for them but for both of which they cannot pay. Of course it is a power to purchase, and is not in the shape of a direct aid. By buying one, they will be enabled to Sail the other.⁵

I had paid your bill when it arrived at maturity. I regret your losses at N. Orleans, the result of misplaced confidence. You will gain from the past more discretion in the deposit of your surplus revenue for the future. I was not aware of your wish (I had forgotten it, if you had mentd it) that I should not reimburse, by a remittance, the amount of your expences [sic] for me in France. Although I am not full-handed, I paid your bill without any particular inconvenience. Mrs. Clay wants 1st. Two bronze chandeliers for about 8 or 10 lights each. 2dly. Some eight or ten side lights to be attached to the wall (sconces I believe we call them) the tops of Candelabras would answer. And 3dly. some Caricatures or other objects to amuse on the Centre table. We would be glad
May 22, 1826

if Mrs. Brown would select these articles for us, consulting economy and suitableness to the articles she had previously sent. After deducting their price, from the amount of the bills which I have remitted, including of course your previous advances, you can send me the residue.

Judging from the past we cherish the hope that we shall be able to restrict our expenses to our Salary, without trenching upon our private income, which is to be devoted to the object of further extinguishing our remaining debt.

We intend visiting Kentucky next month, and expect to return the last of July.

My health is improving. I begin to cherish the hope that it will be spared me sufficiently long to triumph over all my difficulties. If I can only preserve that I care not for the rest.

Mrs. Clay joins me in affte remembrance to Mrs. Brown.

Mr. James Brown

Yr's truly

H Clay

ALS. KyLxT-Haupt Collection.

1 Cf. below, December 14, 1826.
2 See above, Clay to Brown, February 21, 1826.
3 Cf. below, Gallatin to Clay, June 19, 1826.
4 Probably April 13, 1826.
5 Greek deputies, Johannis Orlandos and Andreas Luriottis, had authorized contracts for construction by Henry Eckford of two frigates, the Hope (later renamed the Hellas) and the Liberator (later known as the Hudson). Leroy, Bayard, and Company and G. G. and S. Howland, who handled the financial arrangements in the United States, were strongly criticized for excessive charges of interest and commission. The vessels to have been ready by November, 1825, at that time were several months short of completion and had cost so much more than estimated that the second was ultimately sold to the United States Navy and the proceeds used to complete the first. The Hellas finally sailed from New York on October 15, 1826, and reached the Mediterranean at the end of the year. Albion, Rise of New York Port, 310; Douglas Dakin, British and American Philhellenes during the War of Greek Independence, 1821-1833 (Thessaloniki, 1955), 119. The legislation to which Clay referred, which permitted the Navy to purchase the Liberator, had been passed on May 17, as an amendment to an act of April 29, 1816, “for the gradual increase of the Navy. . . .” The new measure empowered the President to suspend construction of one of several vessels earlier contemplated and “to cause to be purchased for the United States, a ship of not less than the smallest class authorized to be built by said act.” 3 U.S. Stat., 321; 4 ibid., 168-69.

To William B. Rochester

W. B. Rochester, appointed Secretary of Legation to the Mission to Panama. New York

Sir. Department of State Washington, 22 May 1826

Not having heard from you in answer to my Letter of the 10th instant, of which a duplicate was addressed to you at New york, and another at Rochester, I am at a loss to know your determination in respect to proceeding to Colombia. In this uncertainty, Mr. Clifton Wharton, the bearer hereof, has been engaged to go to New york with the despatches intended for Mr Anderson. If you decide to proceed on the voyage, he will deliver them to you. If you conclude to remain until the fall, he is instructed to go to
Mr. Anderson, by the most speedy conveyance he can command; and if he is unable to find one that may be suitable, the Collector of the Port of New York is empowered to charter a vessel at the public expense, to carry him, or yourself, according to your decision. ² This arrangement is made with a view to economy, and in consequence of the Lexington being required for a more urgent public service.³

[Notes a report that the ministers who have reached Panama intend to adjourn until fall and advises that authority is being sent to Rochester to draw on London bankers for $2,000 (but not if he remains in the United States).]

I am your obedient Servant.

H. Clay.

Copy. DNA, RG59, Dip. Instr., vol. 11, p. 78 (M77, R6). AL draft, in DLC-HC (DNA, M212, R7).

¹ Cf. above, Clay to Anderson, May 19, 1826.

² See below, Clay to Thompson, this date.

³ The Lexington cruised during the summer of 1826 off the Newfoundland Banks to protect the rights of American fishermen and to prevent their "trespassing on the rights of others." William B. Shubrick, master commandant, to Stephen Thatcher, collector of Eastport, June 19, 1826, in American State Papers, Naval Affairs, II, 745.

DIPLOMATIC NOTES

May 22, 1826

From Charles R. Vaughan, Washington. Transmits a copy of a letter from (George) Manners, British consul at Boston, conveying information obtained in an interview with Captain Merchant, master of the Pharos, "relative to the impressment of two Sailors from the Vessel under his command off the Coast of Africa, by Captain [D. C.] Clavering of H. M. Ship Redwing." Notes Merchant's admission that one of the men was an Englishman and the other a Norwegian, that both had volunteered to serve on the Redwing, that both, with permission of the person in charge of the Pharos at the time, went voluntarily on board the British vessel, and that the Norwegian had been sent back to the Pharos. Refers to Clay's note of May 8 and suggests that Clay investigate the matter; punish the master of the Pharos, if he should be found guilty of misrepresenting the facts to the United States Government; and give "the utmost publicity . . . to the real facts of the case, in order to allay the irritated feelings which have been manifested by the public." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in American State Papers, Foreign Relations, VI, 369-70. Manners, a lawyer and noted wit of London, was British consul at Boston from 1819 to 1839.

INSTRUCTIONS AND DISPATCHES

May 22, 1826

To Clifton Wharton. Instructs him to go to New York with dispatches, "search out W. B. Rochester, Esquire, expected there this day," and, if Rochester "determines to go to Porto Bello," transfer the dispatches to him. If, however, Rochester, "as is most probable, . . . should decline going," Wharton is to go to Porto Bello, and to such other place as may be necessary to find (Richard C.) Anderson (Jr.) and deliver the dispatches to him. Directs him to take passage on a private vessel, if possible, or, if no passage can be found within ten days, to proceed in a vessel which (Jonathan) Thompson is authorized to charter
From Franklin Litchfield, Puerto Cabello. Reports on political changes at Curacao, where (José Antonio) Páez is now military and civil chief pending the arrival of Bolivar; states that a messenger has been sent to Panama to bring Bolivar; expresses fear that Páez or Bolivar will overthrow the constitution and become a monarch; requests the dispatch of United States warships to protect American citizens and their property; also requests instructions on "how to act, in the event of internal discord..." ALS. DNA, RG59, Cons. Disp., Puerto Cabello, vol. I (MT229, R1). Received June 16. Páez, illiterate and an epileptic, had risen to power as a leader of the llaneros, in the movement for Venezuelan independence, had joined forces with Bolivar in 1818, but had fallen from authority, under accusation of violating civil rights, in a conflict with the Colombian Congress in 1824. At Valencia, Páez' residence, supporters on April 30, 1826, reinstated him and called upon other Venezuelan communities for support. The movement quickly developed into an attack upon the constitution which had joined Venezuela with New Granada as the Republic of Colombia. In November, 1826, Páez led in formally proposing separation of the two states. After the break was consummated in April, 1829, he continued as head of the Venezuelan Government until 1847.

MISCELLANEOUS LETTERS May 22, 1826

To William Bristol, New Haven. Forwards his commission as "Judge of the United States for the District of Connecticut." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 325 (M40, R19). A native of Connecticut, Bristol had been nominated for the appointment on May 15, and the nomination had been approved on May 20. He acknowledged receipt of the commission on May 27. LS. DNA, RG59, Acceptances and Orders for Commissions (MT645, R2). On May 30 he forwarded a certificate of his having taken the oath of office. ALS. DNA, RG59, Misc. Letters (M179, R64).

To Jonathan Thompson, "Collector of the Customs, New York." Authorizes him "to charter a vessel, at the public expense, to convey" William B. Rochester or Clifton Wharton to Puerto Bello and to return, "if the return of the vessel shall be desired by Mr. [Richard C.] Anderson, or Mr. Rochester or Mr. Wharton." Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 325-26 (M40, R19).

APPLICATIONS, RECOMMENDATIONS May 22, 1826


From James Brown

Dear Sir

When I last wrote you I hoped that the Garrison of Missolunghi [sic] which had performed prodigies of valor in repelling several successive assaults would have held out until the fleet could have
thrown in fresh supplies of provisions, and until some Christian power would interpose and save them from the vengeance of their barbarous enemies. We have since received the heart rending intelligence that the brave defenders of that strong hold of Greece have ceased to exist. The attempts of Miaulis and Canaris to throw in provisions having been rendered abortive in consequence of the command which the forts of Anatolias and Vasiladi gave of the entrance to the harbour the Garrison was reduced to the last extremity by famine. An offer was made by them to capitulate and surrender on the terms of marching off drums beating and colors flying with their arms and munitions of war. The Turks insisted on their surrendering at discretion. The Garrison then unanimously adopted the heroic resolution of burying themselves in the ruins of the fortress which they had so long defended. On the 23rd. the dreadful sacrifice was made the details of which you will find in the papers which will be sent by this opportunity. It is now believed that this event will increase the arrogance of the Turks and incline them to reject the Ultimatum of Russia, and consequently be followed by immediate hostilities. We expect in a very few days to hear from Constantinople and I hope to give you the news by the Ship which will sail on the 1st. June.

I had a letter from General Smith giving me the particulars of the affair you had with Randolph which I am happy to find terminated without the loss of blood or honor. You need not quarrel with that unfortunate man on account of his personalities either on the floor of the house or in private conversation. I think from the style of some of his late speeches that he is as much __________ as he was when the Missouri question was under discussion, and you may drive a ball through his body, but can never drive a fixed idea from his brain. I hope you are yet friendly with Benton. He corresponded with me formerly but I have I [sic] not heard from him since the commencement of the last Session of Congress. If you can keep your temper and the affairs of the Country go on smoothly Mr Adams will be sure of being re-elected— Everything which can be done will be done to provoke him and you as you are both suspected of a little infirmity of temper. I hope you will both disappoint your enemies, by preserving a most inflexible sang froid under every provocation— The people possess a fund of good sense and will detect the ambitious designs of those who manage the opposition for their own aggrandizement.

Mrs Brown joins me in affectionate remembrances to Mrs Clay.

I am, Dear Sir your Most Obedt. servant

JAMES BROWN

Hon Henry Clay

ALS. DLC-HC (DNA, M212, R2).  
1 A private letter (above, May 10, 1826). 
2 See above, Brown to Clay, April 13, 1826.
Andreas Miaulis; Constantine Canaris (or Kanaris). The latter, famous as commander of the Greek fireships which had destroyed the flagship of the Turkish fleet in a battle off Scio in 1822 and as victor in similar encounters at Tenedos later that year and at Samos and Mytilene in 1824, later became active in Greek political affairs, serving at Prime Minister from 1848 to 1849, from 1864 to 1865, and again immediately prior to his death in 1877.

Cf. above, Brown to Clay, April 27, 1826, note.

See above, Randolph to Clay, April 1, 1826, note.

Cf. above, II, 788n.

INSTRUCTIONS AND DISPATCHES


MISCELLANEOUS LETTERS

From William B. Rochester, New York. Reports his arrival and concern about financial arrangements. ALS. DNA, RG43, First Panama Congress (M662, R1).

Two days later Daniel Brent acknowledged, "by direction of the Secretary," receipt of this letter and that from Rochester of May 17; referred to Clay's letter (of May 22) sent by Clifton Wharton; authorized Rochester to draw for expenses if he, instead of Wharton, should deliver the dispatches to (Richard C.) Anderson (Jr.); explained other financial details in relation to his mission; and expressed "regret that Mr. Clay . . . [was] so much indisposed . . . as to be under the necessity of assigning to" Brent "the preparation of these instructions . . . ." Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 80-81 (M77, R6).

APPLICATIONS, RECOMMENDATIONS


John Test, Washington, transmits recommendations for the Richmond (Indiana) Public Ledger to publish the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, Hendricks to Clay, September 21, 1825.

INSTRUCTIONS AND DISPATCHES

From James Brown, Paris, no. 51. Summarizes the ultimatum presented by Russia to Turkey (see above, Brown to Clay, April 27, 1826, note); states "that the Porte, willingly and without any restrictions whatever, acceded to the demands"; notes that "all immediate apprehensions of war" have been dissipated, although a "belief [is] entertained by many that hostilities are merely postponed"; reports disappointment among friends of the Greeks that Turkish armies are not to be diverted by hostilities with Russia; adds that "Had the Russian ultimatum been rejected, and hostilities commenced, it was understood that England would have immediately taken Greece under her protection; as things now stand she will probably remain neutral." LS. DNA, RG59, Dip. Disp., France, vol. 23 (M94, R26). Received July 16.
MISCELLANEOUS LETTERS

To John Callaway. States that a commission appointing him "Marshal of the United States for the Eastern District of Tennessee, has just been forwarded... to Mr. [John] McNairy, Judge of the said District..." Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 326-27 (M40, R19). Clay's letter of transmittal to McNairy, this same date, is located ibid., p. 326. On August 15 Callaway acknowledged receipt of Clay's letter and stated that he had taken the oath before Judge McNairy on July 17. ALS. DNA, RG59, Acceptances and Orders for Comms. (M-T645, R2). Callaway held the office until 1830. McNairy, a lawyer, who had settled at Jonesboro, Washington County, North Carolina (now Tennessee), in 1788 under appointment as a State judge, had been named Territorial judge by the Federal Government in 1790 and Federal district judge in 1797. He retired from the bench in 1834.

APPLICATIONS, RECOMMENDATIONS

L. S. Hazelton, Nachitoches, solicits appointment as a member of the commission which, he understands, is to be established to fix the boundary between the United States and Mexico "in conformity with... the Treaty of Washington" (cf. above, Clay to Poinsett, March 26, 1825); refers to a limited acquaintance with Clay "some fifteen years since in Ky.""); lists, as references, Josiah S. Johnston, William L. Brent, Dominique Bouligny, Edward Livingston, M(artin) Duralde, and Dupuy. ALS. DNA, RG59, A. and R. (MR2). Hazelton, not further identified, received no appointment. Dupuy also not identified.

[William R. de Vane] King transmits a letter "he has received from Dr. [Charles] Douglas" and adds that he "has nothing farther to urge in behalf of Dr. Douglas application..." AN. Ibid. Endorsed by clerk: "King Mr. of Alabama." Cf. above, King to Clay, June 22, 1825.


DIPLOMATIC NOTES

From Baron Maltitz, Georgetown (District of Columbia). Expresses "the sincere regret with which he has heard of... Clay's indisposition" and "indulges the hope that it will be of short duration." Reminds Clay of a promise, made "About three weeks ago," to communicate "a paper which was at that time in the hands of a translator" and which Maltitz wishes to send to his government. AN. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). On Clay's health, see below, Ingersoll to Clay, June 2, 1826; Clay to Brooke, June 14, 1826. The requested "paper" was the note from Joseph R. Revenga, cited above, Anderson to Clay, March 19, 1826.

INSTRUCTIONS AND DISPATCHES

From Alexander H. Everett, Madrid, no. 35. Refers to a report, based "apparently on sufficient authority, that the Duke del Infantado will immediately resign his place"; speculates on the appointment of his successor; and notes that
“the affairs of all kinds are of course in a state of stagnation.” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Copy in MHi-Adams Papers, Letters Received (MR477). Received August 2.

From Prosper Froberville, Port Louis, Isle of France. Forwards a letter from Martin Bickham (above, December 1, 1825), who left the island in December, 1825; reports that he (Froberville) has directed an American vessel, the Asia, carrying a cargo the importation of which is prohibited under an act of the British Parliament of July 5, 1825 (see above, Rush to Secretary of State, March 26, 1825, note), “to proceed on to the Eastward,” in spite of the fact that local officials were willing to admit it on the ground that the act had not yet been promulgated there. ALS. DNA, RG59, Cons. Disp., Port Louis, vol. 1 (M-T118, R-T1). Received September 9.

From Condy Raguet, Rio de Janeiro, no. 10. States his intention to include in this communication “the contents” of his dispatches of April 12 and May 6, which may not reach Clay “as soon as this.” Notes publication of the treaty with Portugal (see above, Raguet to Secretary of State, March 11, 1825, note); discusses at length the influences that determined Emperor Peter (I) to sign and ratify the document; asserts that the government has been strengthened by the act of abdication issued by the Emperor following the death of his father (John VI—see above, Raguet to Clay, May 6, 1826); reports that Sir Charles Stuart has sailed for Lisbon to secure approval there of the measures adopted by Peter. Describes the opening of the legislative assembly, on May 6, as well as the leadership of that body. Cites difficulties met in recruiting for the army; news from Buenos Aires, where “it is discernable, that an effectual blockade of the River Plate cannot be said to exist”; and the failure of an “attempt . . . by [Rodrigo J. F.] Lobo’s squadron to stop the Cyane” when it was “ascertained that Capt. [Jesse D.] Elliott was prepared to resist by force.” Characterizes “The submission of the British to this illegitimate cutting off of their commerce by a paper blockade” as “rather humiliating.” Speculates on the future course of the war with Buenos Aires. Lists the members of the diplomatic corps, which does not include a representative of France. Notes the arrival of William H. D. C. Wright, Raguet’s successor as consul; a favorable decision by a judge in Pernambuco in the case of the Spermo but the likelihood of an appeal (cf. above, Raguet to Secretary of State, March 11, 1825, note); and “A case,” which he will explain at a later date, “of most flagrant injustice . . . here against the American merchants James Birckhead & Co. . . .” ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received July 11. Extract published in American State Papers, Foreign Relations, VI, 1028. On the Birckhead case, see below, Raguet to Clay, August 21, 1826.

MISCELLANEOUS LETTERS

May 25, 1826


From Joseph Delafield, New York. Reports that the meeting of “the Boundary Line commission” scheduled for May 22 (see above, Porter to Clay, November 16, 1825) has been “deferred by reason of the British party not being prepared
with the requisite maps of their surveys”; that arrangements were made for a meeting on June 22 (cf. above, Porter to Clay, May 15, 1826); and that a further postponement has been necessitated by the illness of the wife of (John) Hale, the British agent (cf. above, Vaughan to Clay, May 12, 1826). ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI & VII, env. 1, folder 2.

APPLICATIONS, RECOMMENDATIONS

May 25, 1826

Dormer Oakes, Baltimore, solicits a clerkship; cites as a reference Colonel (Edward) Lloyd of Maryland, with whom Clay is “personally well acquainted.” ALS. DNA, RG59, A. and R. (MR3). Cf. above, Chambers and others to Clay, May 19, 1826, note.

From John Sergeant

Dear Sir, Philada. May 26, 1826.

General Harrison1 handed me today your letter of the 23d. inst.,2 and at the same time gave me the agreeable information of your recovery from your recent indisposition.3 The last account I had was that you were confined to your bed, and it was therefore very gratifying to learn from Genl. Harrison that you were so much better. You will now have a little repose, not from labour (for your department must be excessively overburthened) but from the annoyances of such a session of Congress as has just ended.4 These vexations, however, are not without their compensations. The judgment of the Country has been decidedly against the violent party, and I think there is a great accession of strength to the administration, not only from its own merits, but also from the conduct of its adversaries. The principal leader of the opposition,5 in particular, is thought to have entirely lost all public estimation. In Pennsylvania, there is certainly a great change, and I have no doubt Mr. Adams would at this time have the vote of the State.6

General Harrison’s affairs with the Bank7 seem to be in a fair train to be arranged to his satisfaction. It will give me pleasure to do anything in my power to further his views,

Very respectfully & truly Dr. Sir, Yrs. John Sergeant.
The Honble Henry Clay.

ALS. DLC-HC (DNA, M212, R2).

1 William Henry Harrison. 2 Not found. 3 See below, Ingersoll to Clay, June 2, 1826; Clay to Brooke, June 14, 1826. 4 See above, Clay to Brown, May 22, 1826. 5 Andrew Jackson. 6 Cf. above, III, 862; Binns to Clay, May 10, 1826. 7 Harrison’s investments in the Miami Exporting Company and the Cincinnati Bell, Brass, and Iron Foundry, the latter company founded in 1817 with Harrison entering into the partnership the following year, had brought him to the verge of bankruptcy. In 1828 the Bank of the United States renewed his note for $8,000 and extended him $10,536 additional. Cleaves, Old Tippecanoe, 247, 255; Dorothy Burne
Goebel, William Henry Harrison; a Political Biography . . . (Indiana Historical Collections, XIV: Biographical Series, II; Indianapolis, 1926), 255.

**DIPLOMATIC NOTES**

May 26, 1826

To the BARON DE MALTITZ. Transmits a copy of the note from Revenga to Anderson relative to suspension of action against Cuba and Puerto Rico (cf. below, Clay to Middleton, this date). Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 270 (M38, R3). ALI draft, in CShM. Published in Manning (arr.), *Diplomatic Correspondence . . . Latin-American Nations*, I, 274-75.

**INSTRUCTIONS AND DISPATCHES**

May 26, 1826


To [HENRY] MIDDLETON, no. 4. Transmits a copy of a note from (Joseph R.) Revenga to (Richard C.) Anderson (Jr.), “in relation to the suspension of any expedition meditated against the Spanish Islands of Caba and Porto Rico” (cf. above, Anderson to Clay, March 19, 1826); states “that it is a substantial compliance with the request of this Government, made on the 20th. day of December last,” already communicated to Middleton (above, December 26, 1825); and notes that a copy of it has been given to the Baron de Maltitz (see above, this date), “who has, probably, transmitted it to St. Petersburg.” Instructs him to use “this Note to urge the Russian Government to new efforts to bring about peace” and to obtain information concerning the result of the effort “employed at the instance of the late Emperor [Alexander I], . . . last summer” (cf. above, Middleton to Clay, September 30, 1825). Copy. DNA, RG59, Dip. Instr., vol. 11, p. 81 (M77, R6). ALS draft, owned by J. Winston Coleman, Jr., Lexington, Kentucky.

**MISCELLANEOUS LETTERS**

May 26, 1826

To [SAMUEL L. SOUTHERN]. Transmits a letter (not found) from (Edward) Lloyd; expresses a hope that “the Midshipmans warrant will be sent”; asks return of the letter and information for a reply. Comments: “If he cannot be gratified, it is evident that he will feel much hurt. The youth bearing his name creates probably a greater interest with him.” ALS. NjP-Samuel L. Southard Papers. Endorsed on wrapper: “Mr. Clay gave the warrant to Mr. Lloyd at Baltimore.” Edward Lloyd Handy, born in Maryland, was appointed from that State as a midshipman in the United States Navy on June 1, 1826. He passed the midshipman’s grade in April, 1832, and in 1855 achieved the rank of commander.

From JAMES E. HEATH, Richmond (Virginia). Encloses a “Memo of the description annexed to the passport sent to” him by George Cooke; conveys
Cooke's thanks for the passport and "the introductory note [not found] to Ministers & Consuls abroad," which Clay wrote for him; notes Cooke's intention "to take his Lady with him to Europe" and his wish to know whether "his passport and letter will be sufficient for them both." LS. DNA, RG59, Misc. Letters (M179, R64). The enclosure reveals that Cooke, of Richmond, is 33 years old. Born in Maryland, he had been a merchant in St. Mary's County and in Georgetown (District of Columbia) until business failure in 1818 had led him to pursue professionally the painting of portraits, landscapes, and historical scenes. From 1824 to 1826 he had resided in Richmond and now was going abroad for study. Upon his return to the United States in 1831 he attained considerable popularity. Mrs. Cooke, born Mary Ann Heath, was a sister of James E. Heath.

From William B. Rochester, New York. Acknowledges receipt, by (Clifton) Wharton, of Clay's letter of May 22 and "the despatches intended for Mr. Anderson" (above, May 19, 1826). Reports that, in expectation of another letter from Clay that may "prompt" him "to decline going," he has advised Wharton "to remain here during tomorrow and next day," and that, meanwhile Wharton is aiding him in searching for transportation to Columbia. ALS. DNA, RG43, First Panama Congress.

From George Sullivan, "New York 30 Pine Street." Concludes a request for an authenticated copy of an act of Congress: "With sincere congratulations . . . for the unscared [sic] & unscathed issue of the Congressional assault on yourself & the President. . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). Sullivan, born in Boston and graduated from Harvard, was an eminent lawyer, having long practiced in Suffolk County, Massachusetts, before his recent move to New York, where he continued his profession another three and a half decades. He had been for several years the agent in Washington to obtain adjustment of Massachusetts claims dating from the War of 1812 (see above, II, 433n).

APPLICATIONS, RECOMMENDATIONS May 26, 1826

William Kilty, Annapolis, solicits a clerkship in the Department of State. Explains that he has engaged the assistance of Governor (Joseph) Kent "that he should write [no letter found] . . . on the Subject. . . ." Recalls that he and (Clay) were casually introduced by (William Davis) Lewis of Russia. Says that he is the son of the late J(ohn) Kilty, that he is the nephew of the late Chancellor (William Kilty) of Maryland, that he has practiced law, and that he has served as Secretary of the Maryland Senate. Notes that he has written the President "a general letter of application . . . which was delivered to him through Thomas Munroe Esquire of Washington. . . ." Adds that "testimonials have also been laid before the President. . . ." ALS. DNA, RG59, A. and R. (M531, R4). Letter unaddressed. John Kilty had served in the Revolutionary War and died in 1811; his brother, William, had assumed responsibility for the family until his death in 1821. Munroe, a native of Maryland, was postmaster of Washington until 1829. According to Adams' Register of Letters Received, Kilty had applied for a position on May 16 and Munroe had addressed the President on May 17. Letters received by Adams, not found. MHi-Adams Family Papers (MR254). Kilty's testimonials, "laid before the President" on May 22, probably were those enclosed to Clay by Munroe on May 27, 1826. Kilty did not receive an appointment in the State Department.
Account with N[athaniel] Cox

[ca. May 27, 1826]

Clay Executor of Morrison vs. Cox & Trudeau

Statement of the amount due on the Judgement against N. Cox Esqre.

[Costs and fees in the cases of Morrison vs. (John K.) Smith's Syndic, Morrison vs. Trudeau and Smith's Syndic, on appeal, and Clay as Executor vs. Cox and Trudeau amount to $215.12½; a judgment for debt of $15,000, with interest from March 31, 1820, to May 27, 1826, at 6 per cent a year, brings the total of all charges to $20,757.62½. Credits for fees of (Joseph H.) Hawkins and (Alfred) Hennen, for a note, and for interest payments (on that note) amount to $15,282.89.]

Balance due on the 27th. day of May 1826 $5474.73½

Interest from this date untill [sic] paid at 6% $5474.73½

AD by Robert Scott. DLC-TJC. (DNA, M212, R16). See above, Whittelsey to Clay, April 29, 1825. Also in DLC-TJC is a copy made at New Orleans, July 11, 1826, of an order of judgment, dated May 27, 1826, Henry Clay vs. Nathaniel Cox et al., First Judicial District Court, State of Louisiana, decreeing payment of the $15,000 and fees, but deducting the fees of Hawkins and Hennen, “being a lien on the notes mentioned in the petition as transfered [sic] by the said Trudeau to the said Hawkins and by the Said Hawkins to the Said Cox.” Hennen was a Louisiana lawyer.

DIPLOMATIC NOTES

May 27, 1826

From the Baron de Maltitz, Washington. Acknowledges receipt of Clay's note of yesterday, which Maltitz will communicate to his Government. ALS. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1).

INSTRUCTIONS AND DISPATCHES

May 27, 1826

From James Brown, Paris, no. 52. Refers to the documents, relative to the law and ordinance “for the liquidation and distribution of the indemnity provided for the ancient proprietors of St. Domingo,” sent with his dispatch no. 49 (above, May 13, 1826); now transmits a copy of a letter “received from Mr. [Charles Peter Stephen] Wante, Chief Secretary of the commission instituted for this purpose, ... which it may be useful to make public in the United States.” LS. DNA, RG59. Dip. Disp., France, vol. 23 (M34, R26). Received July 16. The Wante letter was included with the notices of French regulations for indemnification of Santo Domingo claimants as published in the United States (see above, Brown to Clay, February 13, 1826, note).

From John Mullowny, Tangier, no. 45. States that “the order limitting [sic] $1000 for presents [above, Clay to Mullowny, October 22, 1825], was not received till January last,” but “it will be observed in future”; explains and defends his expenditures for presents; suggests sums he thinks should be provided for certain contingencies; solicits “the generous consideration of the Government” following the necessity of expending his own funds “to aid the salary in closing the year”; notes that only one American vessel visited the
Empire during the past two years, that he has received no "communication from
the Department of State since that of 22nd. October last," and that the typhus
fever, mentioned in his no. 44 (April 7, 1826), "has ceased." ALS. DNA.

MISCELLANEOUS LETTERS

To [SAMUEL L.] SOUTHARD. Transmits "a copy of the Treaty with Colombia, in
the 15th. Article of which he will find the definition required." AN. NjP-Samuel
L. Southard Papers. On the treaty, see above, Clay to Salazar, March 21, 1825.
The fifteenth article defined blockaded ports as those "which are actually
attacked by a belligerent force capable of preventing the entry of the Neutral." Miller (ed.), *Treaties*, III, 173.

From WILLIAM B. ROCHESTER, New York. Reports that he has changed his
decision, communicated in his letter of May 26, to take dispatches to (Richard
C.) Anderson (Jr.) ; expresses a hope that he may at some time be able to
justify his "apparent capriciousness"; and adds: "a re-perusal of Mr. W[harton]'s
instructions &c satisfies me that it is more desirable he should go." ALS. DNA,
RG43, First Panama Congress.

APPLICATIONS, RECOMMENDATIONS

R. B. MITCHELL, Washington, recommends Martin "Larned" (i.e., Larner) for a
above, Livingston to Clay, May 23, 1826.

T[HOMAS] MUNROE transmits "a Letter and some recommendations sent to him
. . . by Mr [William] Kilty of Annapolis"; notes that he called to deliver the
papers "but was very sorry to learn that Mr. Clay had been too much indisposed
for some days past to attend his Office." AN. DNA, RG59, A. and R. (MR2).
Enclosures probably include Mitchell and others to Clay, May 1, 1826; and

From Lafayette

My dear Sir       La Grange May 28th 1826

My Affection and Regard for You are Sure, and, I Hope, Anticipated pledges of the interest I take in Everything where You are Concerned, and it were Superfluous to expand on my feelings which, I know, are not to You a Matter of doubt. Your official Correspondent and Good Brother⁴ gives You Regular Accounts of political Matters on this Side of the Atlantic. I Have already Communicated my private observations on the strange and Portentful Contrast that Exists Between the liberal Sentiments, the improving Good Sense of the people on this Continent, more particularly in france, and the Bold, But I Expect, imprudent Encroachments of power and priestHood on the actual State of Civilisation [sic].² this Anomaly is very striking in the dispositions
Relative to Greece. it Appears that Great Britain and their Continental partners Have Succeeded in tampering with the Co Religionary Movement of the Russians. the British Commander of the ionic islands Has Coldly invited the Heroic population of Missolonghi to Surrender to the turks which amounts to the Massacre of every Man, the Rape of Every woman, and the Conversion to Mohamedism [sic], if not the death of Every Child, prisoners of war into their Hands, while a Scanty Supply to the Starving Garrison, or at least the Saving women and Children was So very Easy a matter. on the other Hand Renegade officers protected By the french Government Have Assisted in Reducing that unfortunate population who Have Resolved to Blow up, along with their Ennemies [sic], such part of themselves as Could not fight, and divote [sic] the others to destruction among the Havock [sic] they made in the Barbarian Ranks. of the Austrians I shall only Say that Nothing Can Exceed, or Equal the infamy of their Conduct. 3 in the mean while the popular feeling in favour of the Grecian Cause Has Never Been so warm and So General. their adversaries are Branded with the Most poignant Reproaches. Collections are Going on, Supplies are Sent; the people of france, the ladies of paris, and Successively of Every town are Acting a Conspicuous and useful part in their Behalf. I See in an English paper that Some Stipulations Have Been Made at petersburgh in favour of Greece. 4 But altho' public opinion is much Excited, I question, even this dilatory interference. I Need Not tell You, my dear friend, that I Have Been Anxiously looking for the Arrival of the two private New york frigates, 5 and persisting in the Opinion that the presence of an American Squadron on those Seas would afford Honourable Opportunities, Consisting with the Rules of Neutrality, to Render Essential Services. and indeed, Such I Have found the popular feeling in the U.S., Such is Now the General feeling in Europe, that Every Service Rendered to those people would Be looked upon with very favourable Constructions.

I See in the papers that a penitentiary is to Be erected in the district of Colombia [sic] under the Controul of the president, 6 and I Remember with pleasure the Conformity of our ideas Respecting the deviations from the late System of Reformation, and Namely the prevalence of Solitary Confinement that was Contemplated at philadelphia. 7 Not that I object to Solitary Cells, Not only as a transitory punishment, But also as a Great improvement to Separate the prisoners at night, a time when they Spoil each other. I only think that in day time they ought to Be together in a Certain number, which is Susceptible of very useful Modifications. I intrude upon this matter Because I Believe this is a good
Opportunity for the U.S. to Give one more Example, among So
many, to the Rest of Mankind

permit me to put under Your Cover a letter to Mr. Skinner, permits
ing one to Mr. Cornick and the Report to the Agricultural Society of Paris, with their very advantageous opinion about a
new plough which I Had Been desired to present to their Examin-
tion. Here is also a letter to my memphis friends.

present my Best Respects to Mrs Clay and family, to the president
and family, to Your Colleagues and other friends in Washington.
I Have Been long Suffering of the Gout and depend on the
Country air and Country occupations to make me Quite well. part
of my family are still in town, namely my daughter in law who
is One of the female Collectors for the Greeks.

Your affectionate friend

ALS. DLC-HC (DNA, M212, R2). 1 James Brown.
2 Cf. above, Lafayette to Clay, October 28, 1825.
3 Cf. above, Rodgers to Clay, August 31, 1825; Middleton to Clay, September 30, 
   1825; Lafayette to Clay, November 25, 1825, note. According to published reports, 
   French officers had instructed the Turks how best to place their batteries in the final 
   siege of Missolonghi, and Austrian transports had carried Grecian women and children 
   as slaves to Egypt. Niles' Weekly Register, XXX (March 18, May 27, 1826), 40, 231. The 
   British lord high commissioner of the Ionian Islands (1824-1831) was Sir Frederic 
   Adam, formerly (1817-1822) commander at Malta and later (1832-1837) governor of 
   Madras.
4 Cf. above, Brown to Clay, April 27, 1826.
5 See above, Clay to Brown, May 22, 1826, note.
6 On May 20 Congress had passed this legislation, calling upon the President to 
   appoint three commissioners to select a site and upon the Commissioner of Public 
   Buildings to erect a prison of 160 cells, surrounded by a wall. 4 U.S. Stat., 178. The 
   Commissioner of Public Buildings from 1822 to 1834 was Joseph Elgar, a resident 
   of the District of Columbia; but Charles Bulfinch planned and superintended con-
   struction of the penitentiary.
7 In response to pressure generated by the Philadelphia Society for Alleviating the 
   Miseries of Public Prisons, advocates of penal reform based upon solitary confinement 
   at hard labor, the Pennsylvania Legislature in 1821 had provided for construction 
   of a State penitentiary in Philadelphia County. Before the structure was in operation, 
   however, commissioners appointed to revise the Pennsylvania penal code recommended 
   in 1828 the adoption of the Auburn system of administration, “based upon congregate 
   workshops and separation at night.” The Pennsylvania code finally enacted in 1829, 
   nevertheless, provided for solitary confinement at hard labor. The competitive Auburn 
   plan has been described as, in fact, a modification developed after initial experience 
   at the new prison at Auburn, New York, between 1821 and 1825 revealed the physical 
   and psychological deterioration produced on prisoners in solitary confinement, without 
   exercise. Harry Elmer Barnes, The Evolution of Penology in Pennsylvania, a Study 
   in American Social History (Indianapolis, [c. 1927]), 90-101, 104-105.
8 Possibly John S. Skinner.
9 Not identified.
10 Camilla and Frances Wright.
11 Emilie (de Tracy), wife of George W. Lafayette. They had married on June 6, 
   1802.

INSTRUCTIONS AND DISPATCHES

May 28, 1826

From William Tudor, Lima, no. 41, “Triplicate.” Refers to his suggestion in an earlier letter (above, April 9, 1826) for “establishing a regular com-
munication” from the United States to the Isthmus; encloses “a short memorial from the American merchants in this City on that subject”; asserts that the “advantages that would result from this measure . . . are so many & so obvious,
that it would justify the government to pay something to packets for the transportation of the mail in the beginning, to induce their establishment"; cites the need for "prompt communication with the ports on the Pacific Coast of America, which is every day becoming an object of more interest & necessity." Notes that the seamen referred to in his number 38 (above, May 6, 1826) had been "received by the U.S. Ship Peacock ... several months before." ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received October 28.

**MISCELLANEOUS LETTERS** May 28, 1826

From Nixon, McCall, and Company; Alsop, Wetmore, and Company; and Frederick Huth, Coit, and Company, "American Merchants, established in Lima..." Note the advantages to commerce and to the American Government that would result from "the establishment of Steam Packets from the United States to the Isthmus" and express "a strong hope that the Government will without delay, cause a mail to be regularly forwarded to the Isthmus of Panama." DS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Undated. Enclosed in Tudor to Clay, this date. The listed firms were probably composed of Henry Nixon, Edward McCall, Richard Alsop, William Shepard Wetmore, Frederick Huth, and Henry A. Coit. The first two traded from Philadelphia; the others from New York.

From William B. Rochester, New York. Reports that he has returned to (Clifton) Wharton the dispatches for (Richard C.) Anderson (Jr.); encloses the authority from the State Department to draw for his salary; and explains his reasons for determining not to go on the mission, chief among which was the discovery that Wharton's instructions called for "an immediate return from S[outh] A[merica] to the U. S." with dispatches from Anderson. Notes that he is helping in Wharton's efforts to find passage. ALS. DNA, RG43, First Panama Congress.

**From James Brown**

Dear Sir, Paris May 29, 1826

It is now a long time since I had the pleasure of hearing from you or from any of my friends in Congress except General Smith who wrote me immediately after the fortunate termination of your affair with Mr Randolph.1 I wish much to see the papers and from them to discover in which light that transaction has been considered by the public. The disposition of your antagonists [sic] leads him so strongly in the road of detraction that I fear the risk he has run will not increase his small stock of prudence or improve his temper. At all events I hope you have terminated your disputes of that nature with him and that you will leave the good sense of the public to pronounce as to the truth or falsehood of any thing he may hereafter say of you.

The Session bids fair to close 2 without having done any thing of public utility either as relates to our domestic or foreign affairs.
The Mission to Panama has been very ungraciously sent and will perhaps arrive too late to be of any use. The divisions respecting the measures taken by the President in questions touching Cuba and the former Spanish Colonies will materially impair the influence we might otherwise have had with the European Cabinets—It is I think rather unfortunate that doubts should have been expressed as to the propriety of the declaration of Mr Monroe on the subject of Colonization and the part we meant to take in case the European Sovereigns should attempt to interfere in the Contest between Spain and her former Colonies. It has been believed that that declaration was unanimously approved by the people and Government of the United States and this belief gave it such solemnity and importance that it was acquiesced [sic] in if not approved by the powers of Europe. The speeches made by the opposition during the present Session of Congress will be considered as affording proof that the opinion of the American people is divided on this question and will therefore have a very pernicious effect.

The poor Greeks are now left, in consequence of the consent of the Porte to the ultimatum of Russia, to struggle against their oppressors unassisted by any other power. The struggle cannot last long nor the result be considered as doubtful. From England nothing can be expected either in direct or indirect assistance. The French Government will remain neutral and some aid in the way of voluntary subscriptions is all that can be expected. These must be unequal to the pecuniary wants of Greece. Fabvier's corps after months spent in disciplining it broke and fled at the first fire—He is said to have resigned his command and abandoned the cause.

I think it very probable that before this letter can reach Washington you will leave the City for the Western Country. I hope that exercise, air, and relaxation from business will perfectly establish your health. My own which had been much better for some time has given way lately and some rheumatic fevers which destroy my rest convince me that the disease is yet working in my system. I have suffered so much during the last five years and have exerted my fortitude so constantly to bear up against it that my stock begins to be exhausted my nerves almost destroyed, and my love of life itself greatly diminished. With everything around me to satisfy my wishes and tastes it is exceedingly irksome to find my health so bad as to deprive me of nearly all enjoyment— I think in the course of the next month I shall again visit the waters of Aix in Savoy for two or three weeks and try whether they will eradicate the remains of the disease.

Mr Sheldons health is better than when I last wrote—
Mrs Brown is as usual in good health and joins me in Affectionate respects to Mrs. Clay. Your most faithfull [sic] 
Honb Henry Clay

James Brown

ALS. DLC-HC (DNA, M212, R2). 1 Cf. above, Brown to Clay, May 23, 1826.  
2 See above, Sergeant to Clay, May 26, 1826, note.  
3 See above, Clay to Anderson, March 15, 1826.  
4 Cf. above, Clay to Adams, March 29, 1826. In the debate on March 14, preceding adoption of the resolution of March 27, 1826, Robert Y. Hayne had argued that it appeared "to be the special object of the new States to get us to enter into treaties to redeem that pledge," under the Monroe Doctrine (above, III, 542n), "to prevent colonization in America, and also to prevent the interference of any European nation in the present Contest." Contending that the administration seemed "to have acquiesced" in this design, Hayne noted that Monroe's language was "extremely vague and indefinite." "That great and good man," he continued, "well knew that he had no power to use any but a moral force on that question. . . . He well knew—every intelligent man in the United States knows—that this nation is not now, and never has been, prepared to go to war for the independence of South America." Register of Debates, 19 Cong., 1 Sess., 162.  
5 See above, Brown to Clay, April 27, 1826.  
6 Charles Nicholas Fabvier, born at Pont-a-Mousson, Meurthe, France, had attended L'Ecole d'Application at Metz and entered the French Army in 1804. During the course of a valorous career in the Napoleonic wars he had been named a baron of the Empire (1813); but following the Restoration he had become involved in a succession of judicial actions, growing out of a partisan controversy, which had induced him to leave France for England. In 1823 he had offered his services to the Greeks and subsequently had established a base on an island southeast of Athens for training troops. Late in March, 1826, he had landed his forces on Euboea, where, after initial success, he had been surprised by Turkish forces. With the greater part of his troops he fought his way to the islet of Stura and, after severe privation, was rescued by other Greek insurgents. The following August, in an attempt to relieve the beleaguered Greeks at Athens, Fabvier's forces again fled. In December he succeeded in leading a relief battalion with provisions into the Acropolis but then was compelled to remain under great hardship in the besieged city until a capitulation was arranged in the summer of 1827. Fabvier returned to France at the end of 1827, was active in the revolutionary events in his homeland in 1830, and subsequently became Marshal de Camp, Commandant of Paris (1831), a lieutenant general (1839), and a peer (1845).  
7 Clay left Washington for Kentucky on June 25.  
8 Daniel Sheldon.

INSTRUCTIONS AND DISPATCHES

From W[illiam] H. D. C. Wright, Rio de Janeiro. Reports his arrival, on April 14, and his entrance upon the duties of his office. ALS. DNA, RG59, Cons. Disp., Rio de Janeiro, vol. 2 (M-T172, R3). Received July 11.

MISCELLANEOUS LETTERS

To Robert Trimble, Paris, Kentucky. Forwards his commission as "one of the Associate Justices of the Supreme Court of the United States." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 328 (M40, R19). Trimble, on June 13, acknowledged receipt of his commission and this letter. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

From Jonas Fouche, Greensboro, Georgia. Claims to "have made several important discoveries in Philology"; solicits publication of his manuscript at government expense. ALS. DNA, RG59, Accounting Records, Misc. Letters. Fouche, a militia officer of Greene County, Georgia, in 1794, has not been further identified.
To William B. Rochester

W. B. Rochester, appointed Secretary of Legation to the mission U.S. to Panama.

Sir:  

Department of State Washington 30 May, 1826.

In reply to your Letters of the 27th. and 28th. instant I have to say that it was intended to leave to your own option, exclusively, to go now, or in the fall, to Colombia. You are, therefore, mistaken in supposing that we preferred [sic] Mr Wharton to go; and what is said about his return was founded upon the consideration that, after executing the service on which he was sent, no reason would be left for his continuing in Columbia [sic]. If we had any preference as to whether you or Mr Wharton should go, it was rather that you should, leaving it, at the same time, entirely to your own decision. And if you should, on the receipt of this Letter, feel disposed to go, you will avail yourself of the passage which has been secured for Mr Wharton, receive again from him the despatches in his custody, and let him return to this place. Our first and greatest wish is that Mr. Anderson should be speedily reached. When that object is attained, should he not return immediately to the United States, no difficulty is anticipated in his procuring means of conveying his despatches to this place. The authority on the Messrs Barings is returned.

I am with great respect, Your obedient Servant  

H. Clay.


To Jared Sparks

Dear Sir  

Washington 30th. May 1826.

The inclosed note\(^1\) was sent to your lodgings on the day of its date, and was brought back with a statement that you had left the City. I now send it (having been prevented before, by confinement from indisposition)\(^2\) to shew you that I was not unmindful of my promise.

With high respect I am Yr. ob. Servt.  

H. Clay

ALS. MH. Addressed: “The Revd. Mr. J. Sparks . . . Care of Messrs H. D. & E. B. Sewall New York.” The Sewalls not identified.\(^1\) Above, May 21, 1826.\(^2\) See below, Ingersoll to Clay, June 2, 1826; Clay to Brooke, June 14, 1826.

From Philip S. Markley

Dear Sir  

Norristown May 30th. 1826.

I exceedingly regretted that your indisposition deprived me the
May 30, 1826

[sic] pleasure of seeing you prior to my leaving Washington— I hope you have recovered— I returned home on Thursday last and had the gratification to find my family in good health—since which I have received visits from a number of my republican friends, not only from my own immediate District but from the adjacent Districts represented by Messrs Miner, Addams & Ingham\(^1\) some of whom were at the late presidential election the decided supporters of Gen’ Jackson— they one and all have declared that they would sustain me in the course of [sic] have taken in regard to the Administration of the General Government—and say if Mr Adams continues in the political path he has commenced and identifies himself by his measures and appointments with the democracy of the Country they will support his reelection. The appointment of Mr Gallatin\(^2\) is well received with the republican party in Penna, it has attached their confidence to Mr Adams and has removed the impression created by the appointment of Mr King in the minds of many\(^3\)—

The Panama Mission I find is popular with all parties— The intolerance which has marked the opposition to the administration during the late Session of Congress receives the reproach and disapprobation of the people generally—and has had the effect of producing a favourable feeling.

I presume you have ere this read the proceedings of the Jackson Meeting held in Philadelphia\(^4\)— The premature movements of this meeting indicates [sic] that the friends of Jackson have doubts respecting the political feelings of Penna. and that early exertions are necessary to produce an influence in other states and to make an impression to preserve the former feelings of the State towards Jackson— I doubt very much whether this meeting will be responded to in the different Counties in the State—although circulars have been issued by the Meeting & forwarded to prominent republicans in the several Counties— The meeting emanates from an unfavourable section of the State to produce an influence in the Country. Many of the politicians composing the meeting do not possess in an eminent degree the confidence of the Democratic party—and in addition to that the proceedings breathe too much the spirit of dictation, and are foreign to that maxim—“Measures & not men” which republicans consider as the touchstone of political principles, to have the effect or produce the impression intended.

I received a visit yesterday from two gentleman [sic] of Lebanon County of high standing & influence who were on their way to Phila—they assured me that the political prospects of Mr Adams were flattering in their County and that considerable changes were taking place in his favour in the adjacent Counties— In fact I have no
hesitation in saying—if an impulse is given by the Administration to the well disposed feelings of the republican party in Penna & proper exertions used Mr Adams will get the vote of Penna—Jackson' [sic] amalgamating letters to Monroe will go far in identifying him with the Federal party & will operate as a very powerful auxiliary in securing the great mass of the republican voters for Mr Adams I have written to several of my republican friend [sic] through out the state to counteract the effects of the late meeting in Phila and to use proper exertions to give a tone to public sentiment on the 4th of July— If the friends of Jackson shd continue to extend their meetings—we propose to hold counter meetings—under a call of the Democratic republicans friendly to the Administration of the General & State Government—

I should be glad to hear from you. Please to tender my best respects to Mrs Clay &— Believe me very truly your friend

Hon H Clay

PHP. S. MARKLEY

ALS. DLC-HC (DNA, M212, R2).

1 Charles Miner; William Addams; Samuel D. Ingham. Addams, a native of Pennsylvania, had held local office in Berks County and had been a member of the State House of Representatives. He was a Representative in Congress, 1825-1829, and associate judge of Berks County, 1839-1842.

2 See above, Clay to Gallatin, May 5, 11, 1826.

3 Cf. above, Markley to Clay, June 10, 1825.

4 On May 25 a meeting of Jackson supporters at Philadelphia had adopted a statement condemning the "origin, character and proceedings of the existing administration," expressing belief that Jackson's election was "essential to the revival of republican" government, and urging exertions to accomplish his elevation." Niles' Weekly Register, XXX (June 3, 1826), 235.

5 See above, Address, March 26, 1825, note 21.

INSTRUCTIONS AND DISPATCHES

May 30, 1826

From Henry Middleton, St. Petersburg, no. 59, "private & confidential." Surmises that, as a result of the visit of the Duke of Wellington to Russia, "there is an understanding between Russia & England" on the Greek question. Adds: "But whether it be favorable to the Greeks or otherwise, is doubtful" (cf. below, Middleton to Clay, June 13, 1826). Encloses a document containing "a view of the Austrian policy upon this question" and leaving "but little hope" for relaxation of that government's "enmity towards the Insurgent Greeks." Fears that the fall of Missolonghi (see below, Brown to Clay, April 13, 1826) gives cause "to expect the most fatal termination" of the Greek struggle for independence. ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Copy, in MHi-Adams Papers (MR475). Dated "18/30 May 1826." Received August 19.

MISCELLANEOUS LETTERS

May 30, 1826

From William Radcliff, New York. Asks that, owing to cancellation of his passage, to have been aboard the vessel carrying the American mission to the Congress at Panama, he be permitted to defer departure for his post as consul to Panama "until near the autumn." ALS. DNA, RG59, Cons. Disp., Panama, vol. 1 (M139, R1). Received June 1.
From J[oel] R. POINSETT, Mexico, no. 46. Encloses a translation of the message of the President of Mexico (Guadalupe Victoria) in closing the Session of Congress, May 23; states that the Mexicans "are anxious to know what course" the United States "would pursue in the event of the invasion of Cuba being resolved upon by the belligerent States in the Congress of Panamá"; and notes that an appeal by the President to Congress for permission to seize "the disputed district of Soconusco" was approved by the House but not acted on by the Senate (cf. above, Poinsett to Clay, August 21, 1825). Refers to disorders in Yucatán; advocates the appointment of a citizen of the United States as commercial agent there; and deplores "The overzeal of Mr [Henry B.) Chew, the Mexican Consul at Philadelphia" (cf. above, Borie and Laguerenne to Clay, December 13, 1825). Expresses fear that, in his own negotiations for a commercial treaty, he will have "to abandon the basis of reciprocity and treat on that of the most favored nation" and explains, in this connection, that the Mexicans "have not a single vessel capable of making a foreign voyage." L.S. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received July 12.

From S[olomon] Southwick

Sir,

Tho' my acquaintance with Mr. Clay personally, is extremely slight; yet I have long known him as one of the most energetic & highly gifted men in our National Councils; & it is as a public man that I now take the liberty of addressing him.

The inclosed Prospectus, Sir, will speak for itself. But the object it has in view cannot be attained, unless those who think & feel as the author of it does, will step forward in support of the measure. The prominent Station you hold, Sir, gives you a commanding Influence; & if you think proper to exert any portion of it in promoting the proposed work the effect will no doubt be powerful & efficient.

Be assured of one thing, Sir, that whether this project Succeed or not, it is entirely my own— I have committed no man; but have been led to it Solely by a regard to my duty as a citizen, which demands of me to oppose faction in every shape, & my interest as an individaal with a family demanding my protection & Support. As to the politicians of this state, great & Small, I hold myself wholly & totally independent of any & all of them. There is no man among them, nor any man on earth, indeed, who can lead or influence me in any shape beyond my own judgment of what is right or wrong. I opposed you, Sir, as a Presidential Candidate, because my feelings were at that crisis deeply & strongly Northern, & for no other reason; for I never doubted for a moment either your patriotism or integrity. I now declare, in the frankness of my heart, that I consider you a persecuted man; & as Such you are entitled to my friendly offices: And as to the Administration, it is neither
just nor generous to approve or condemn it wholly on any particular measure. On the Panama question it has my decided approbation. On the Internal Improvement system, I fear it will, but hope it may not, go too far. State sovereignty is with me a sacred principle. Had I been President, I should not have appointed Mr King minister to England; but Mr. Adams no doubt acted from true motives; & he certainly did himself much credit in offering the Mission in the first place to his exalted rival Mr. Clinton. In any event, while such men as Martin Van Buren head the opposition, the Administration has only to conduct with prudence, as well as Integrity, to Secure itself from downfall. There will undoubtedly, however, be a violent struggle, & friends must be every where on the alert.

In the proposed publication I shall take neutral ground as to State Politics— I have good and sufficient reasons for this course— independent of the consideration, that the paper will be more useful in promoting the object of its Institution. No party in this State at present has the Smallest right to my sympathies or services. I shall view them, therefore, only as their rise or fall may militate for or against my ultimate views.

I trust I need not add, Sir, that any communication you may think proper to make me, will be received & preserved in honorable confidence, in the Same manner that I expect this letter to be received by you.

I beg, however, it be clearly understood, that neither Mr Galpin, nor myself, expect any pecuniary aid, other than voluntary & bona fide subscriptions for the paper, as stated in the Prospectus.

The necessity of such a Journal, as I propose at the Seat of government here, must be obvious, when we reflect, that the Argus is deadly hostile—and that the old Daily Gazette, whatever may be its course, cannot shake off its federal skin, so as to make a fair impression on the republicans— I am a republican of '98; And although, by a Series of ill fate, broken down in my fortunes, I can Still, without egotism, claim Some small Share of Influence with the old republican Family.

I inclose two squibs of mine, which may amuse tho' they cannot instruct you. I also Send my Pleasures of Poverty, which you may think a queer Poem, if it deserve that name, with a queer title. I flatter myself, however, you will find the Note on Lord Bacon worthy of perusal.

I am Sir, With high Respect, Yours very cordially,

S Southwick

P.S. If you could conveniently send me a list of names in the different states, to whom I might send the Prospectus, I should esteem it a favour— Further, as I have been for two years at least almost wholly inattentive to political events, you will oblige me
by furnishing any documents calculated to throw light on the Subject I am about to assume—particularly documents of the last Congress, or rather last Session &c. To conclude, Sir, as you know but little of me, you will do me the greatest injustice, if you suspect this communication, for a moment, to proceed from any other than pure & honorable motives.

S.[S.]

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay. Born in Newport, Rhode Island, Southwick had come to Albany, New York, as a journeyman printer in 1793. He was here involved in a variety of journalistic ventures until his death in 1839. He had also served as clerk of the State assembly, 1803-1807; clerk of the senate, 1807; sheriff of Albany County, 1809-1810; and postmaster at Albany, 1815-1822. He ran unsuccessfully for Governor of New York as an independent candidate in 1822 and as the Anti-Masonic candidate in 1828.

1 Not found. In a letter dated June 6, 1826, to George "Gilpin [sic]." Albany, New York, Daniel Brent requested, as "directed by the Secretary," that the Department be considered "as a subscriber for two Nos. of the National Observer, to be published at Albany by Mr. Samuel [sic] Southwick..." Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 331-32 (M40, R19). The paper, which began publication July 25, 1826, was printed by George Galpin (not further identified).

2 Rufus King.

3 Cf. above, Stuart to Clay, March 15, 1825.

4 Cf. above, King to Clay, March 30, 1826.

5 The Albany Gazette, founded in 1784 and merged with the Daily Advertiser in 1817, was identified in 1826 as the organ of DeWitt Clinton. Adams, Memoirs, VII, 177.

6 Southwick had been imprisoned for debt in 1817.

7 A long didactic poem published in 1823.

8 Not found.

INSTRUCTIONS AND DISPATCHES

June 1, 1826

From W[illiam] R. HigInbotham, Bermuda, "Duplicate." Acknowledges receipt of Clay's letter of April 3; defends his disbursements for relief of distressed seamen, pointing out that "The proximity of these Islands to the Coast and the favorableness of the weather about it, makes it a constant place of refuge for Vessels in distress, particularly during the winter months, at which time nearly all the Disbursements... are incurred"; complains that, because he as commercial agent is not accredited by the British Government, he is unable to compel masters of American vessels to report to him; and deplores the failure to honor his drafts for money advanced by local merchants. LS. DNA, RG59, Cons. Disp., Bermuda, vol. 1 (M-T262, R1). Received July 12.

From W[illiam] B. Hodgson, Algiers. Refers to his letter of April 12; states that the consul general (William Shaler) welcomed him as "Secretary to his Consulate" and has furnished him with some books until he "can be better supplied from Paris"; reports having begun the study of Arabic. ALS. Ibid., Algiers, vol. 15 (M23, R-T13). Received September 30.

From William Shaler, Algiers. Acknowledges receipt of Clay's letter of December 29, 1825; expresses approval of the decision to send young men to "the Barbary Consulates" for instruction and satisfaction that "Mr. Hodgson appears to possess the qualifications necessary to" benefit from the opportunity; states that he has ordered from Paris "the elementary books" needed for study of Arabic and Turkish; notes that "the Lingua Franca... cannot properly be termed a language; it is a barbarous jargon... not used in any serious business, and is spoken with any fluency, only by the lowest vulgar." Further acknowledges receipt of Clay's dispatch of October 6, 1825; transmits "that
part of” his dispatch no. 82 “which was original”; refers Clay “to the transcript of the Journal of this Consulate, herewith transmitted, for a history of all material occurrences here, during the last year. . . .” LS. *Ibid.* Received September 30.

**MISCELLANEOUS LETTERS**

June 1, 1826

From Andrew Armstrong, Philadelphia. Cites letters from Port au Prince reporting ill feeling against the United States as a result of the President’s message (cf. above, Brown to Clay, April 27, May 10, 1826). Notes that the legislature there is considering a bill to abolish export duties, which, if enacted, will end the advantage obtained by France (cf. above, Holden to Clay, July 16, 1825, note). Urges again that the United States establish regular representation there. ALS. DNA, RG59, Cons. Disp., Cap. Haitien, vol. 5 (M9, R-T5).

From S[amuel] Smith, Baltimore. Notes receipt of a letter from Rio de Janeiro relative to duties favoring British cotton fabrics and threatening to “drive our goods out of the market”; cites information received from (Isaac) McKim, who has learned from (Joel R.) Poinsett “that the Mexican government are about to prohibit the importation of that description of goods.” ALS. DNA, RG59, Misc. Letters (M179, R64).

**APPLICATIONS, RECOMMENDATIONS**

June 1, 1826

Robert Smathers, Washington, recommends Henry Wertz for appointment as justice of the peace of the District of Columbia. ALS. MHi-Adams Papers, Letters Received (MR476). Smathers not identified. Wertz, a resident of Washington, had already received the desired appointment on May 22, 1826, and held the office for a decade.

From Edward Ingersoll

Hon. H. Clay

Philadelphia

June 2, 1826

Dear Sir

In the hope of making myself, though but in a very slight degree, useful—I have been looking through a parcel of pamphlets and books historical political and geographical—of colonial times—to find something which might have a bearing on the question of the navigation of the St. Lawrence.1

But finding myself—for want of guiding lines—led off into the pursuit of enquiries touching various matters probably irrelevant to the point in dispute—such as the boundary of Canada—the rights of Indians, the encroachments of the French,—before the cession in 1763—and so forth—I am induced to beg for a reference to some come-at-able document, which will enlighten me on the subject so far as to let me know, what I confess myself entirely ignorant of, the ground on which John Bull puts his refusal to let us sail down the river.
I don't mean to ask that you should make any research for me,—but only that if by a simple reference to a source of information or a hint in two lines you can, without trouble, put me in the right track, you will at your convenient leisure do so. I do not despair then of finding something, ante revolutionary, which may be worth adding to the mass of argument.

Gen: Harrison was here several days but between the Bank directors and the ladies was so much engaged that I had but little chance to see him which I regretted especially as I wished to shew him to some of the best patriots among us—. From him I learned that you had suffered severely with bilious colic— I beg leave to offer my regrets and congratulations together on your illness and recovery, and to suggest again that a ride to the northward might be beneficial to your constitution.

You have doubtless seen the newspaper account of the Jackson meeting, and heard something of its' real character. It is remarkable as one of the signs of the times that with so much effort not more than one hundred and fifty, out of twelve thousand, voters could be brought together by all the magic in the name of 'Jackson'. My catechumen Sutherland meaning to be very cunning went to walk in and walk out so as to be able if necessary to say he was there, but not to shew decidedly whether he was one of the actors or merely a spectator— the Chairman was cunning too and named him on a Committee— he declined serving but was obliged, he says, to make a profession of attachment &c Wurts who is Sutherland's competitor for a seat in the next Congress, made the same sort of truckling profession in a speech this late session—

I trust the time will come in this state when men will not be afraid to utter their real sentiments—or that such men will come without waiting for times. It is a miserable slavery, to a mere phantom too, that now bows down the conscience of a public man to conceal his preference of better men and pretend a love for inferior. Very truly Yours

EDWARD INGERSOLL

ALS. DLC-HC (DNA, M212, R2). MS. torn.

1 Cf. above, Hammond to Clay, August 31, 1825; below, Clay to Gallatin, June 19, 1826.
2 Cf. above, Sergeant to Clay, May 26, 1826.
3 See below, Clay to Brooke, June 14, 1826.
4 See above, Markley to Clay, May 30, 1826.
5 Joel B. Sutherland
6 Joseph Holgate not further identified.
7 John Wurts was not a candidate for election to the next Congress; Sutherland obtained the seat.

INSTRUCTIONS AND DISPATCHES

June 2, 1826

From ALEXANDER H. EVERETT, Madrid, no. 36. Notes that “the report of the Duke of Infantado’s retirement,” mentioned in his last dispatch (above, May
25, 1826), “is at least premature”; adds that “there was as little foundation for” another report—“that the subject of the Colonies had been recently taken up anew in the Cabinet at the earnest instance of the French and English Ministers [the Marquis de Moustier; Frederick J. Lamb] and that there was every prospect of a favorable result”; attributes the latter rumor to the fact that Lamb did give the Spanish Minister news of the fall of Callao (see above, Allen to Clay, February 23, 1826) and “upon that occasion conversed with him anew upon the general subject of America”; reaffirms his opinion “that the French Cabinet, although they evidently feel a pretty strong desire that Spain should recognize the Colonies, are nevertheless not prepared to act upon the question with the vigour and decision which alone would make their intercession effectual.” Summarizes his conversation “with the Duke del Infantado upon the several subjects in negotiation between the two Governments,” in which the Duke expressed satisfaction “with the conduct of the United States” relative to the possibility of an attack by “the New States” on Cuba and Puerto Rico (see above, Clay to Salazar, Clay to Obregón, December 20, 1825), replied to Everett’s portrayal of “the utter hopelessness of the Royalist cause in every part of the Continent” (of South America) by stating that his “Government were not yet ready to give a decisive answer to the proposal of mediation on the basis of independence” (cf. above, Everett to Clay, February 13, 1826), and said “that several of the [European] Powers had offered their advice to the Spanish Government and had interested themselves one way or other in the progress and issue of the war.” Reports having told the Duke “that he was probably aware that the British Government were determined not to become a party in future to any general consultation of the great powers,” that the United States “would have no objections to employ their good offices in conjunction with any other power . . . , but that after all the affair was properly an American one, and that the United States would probably be able to do for Spain quite as much if acting alone, as if embarrassed by the cooperation of other nations.” States that, to his suggestion that “the influence of Russia” had not been employed in the manner wished (cf. above, Clay to Middleton, May 10, 1825), the Duke expressed doubt “whether that government felt a very strong interest on the subject” and that its “opinion . . . would . . . be considered here as of any great importance.” Cites the Duke’s questioning, also, whether “the return of peace would throw” to Spain “a great share of the trade with America” and his contention “that the only way in which the trade . . . could be made profitable to Spain would be for the Colonies to make some important discriminations in her favour,” to which Everett replied that “the New States . . . had bound themselves to each other and to foreign nations by express treaties not to” grant such privileges to Spain. States that he “avoided suggesting . . . that the new States might” compensate “Spain for the abandonment of her ancient territorial rights” because he “had lately been informed by a private correspondent that the intimation to this effect contained in . . . [his] note of the 20th of January [see above, Everett to Clay, February 13, 1826, note] did not accord precisely with the President’s views.” Explains the reasons he introduced the idea in the first place. Notes that the Duke thinks it “proper for the Colonies to make the first advances” for peace and that the British Minister believes that Spain is “now less disposed than ever to acknowledge the new States.” Concludes “that this government though wavering and irresolute is on the whole inclining towards a better policy than they have hitherto pursued, that they are beginning to be aware of the utter hopelessness of the struggle . . . , but are nevertheless afraid to assume the immense responsibility of so portentous a change as they
consider the sacrifice of the Colonies to be ...; and that ... they distrust alike their own opinions and the advice of other powers. ...” Reports that he also “conversed with the Duke anew on the subject of the Convention of indemnities [see above, Clay to Everett, April 27, 1825] and urged” him to instruct “the Commissioners at once to admit the principle of compensation for the captures under the blockade of General [Francisco Tomás] Morales”; expresses a belief that the Spanish Government will, reluctantly but eventually, “agree with rather a bad grace to the settlement” and that, afterward, he will “be able to arrange with less difficulty ... the Commercial relations between the two countries,” which have been “laid aside for the moment.” Notes that “The Dutch have lately obtained permission to place an informal Commercial agent at the Havana and the Duke del Infantado continues to hold out the idea that he shall grant very soon a general admission at that port ... to the Consuls of all friendly powers.” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M21, R28). Received August 16. Extract published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, III, 2120-27.

APPLICATIONS, RECOMMENDATIONS June 2, 1826

DAVID DICKSON, Port Gibson, Mississippi, notes that his friend, (Thomas B.) Reid, has urged a consular appointment for him and stated that the post at San Antonio “was obtainable” but that, owing to Indian troubles there, he “can not accept the appointment.” Solicits, instead, appointment as consul at Refugio, where, he has been told, “Dan. W. Smith ... intends shortly to resign, solely on account of his own Conviction of Incompetency.” ALS. DNA, RG59, A. and R. (MR2). Dickson, born in Georgia, practiced medicine in Mississippi. He had been a member of the Mississippi constitutional convention in 1817, a brigadier general in the State militia, a State senator (1820, 1821), Lieutenant Governor (1822-1823), and postmaster at Jackson, Mississippi. He later held additional State offices and, from 1835 until his death in the following year, a seat in Congress. For his consular appointment, cf. below, Clay to Dickson, June 20, 1826.

MISCELLANEOUS LETTERS June 3, 1826

From LANGDON CHEVES. Encloses correspondence between himself and the British Commissioner (George Jackson); notes that the latter’s “allusion,” referred to in Cheves' note to Clay of May 8, “was not to the negotiation but to the instructions of his Government on the question of Interest.” ALS. DNA, RG76, Great Britain-Treaty-December 24, 1814 (M NP65-28, R1).

From WILLIAM B. ROCHESTER, New York. Acknowledges receipt of Clay’s letter of May 30; states that he adheres to his decision not to bear the dispatches to Anderson (cf. above, Rochester to Clay, May 27, 28, 1826). Adds a postscript, “Sunday [June 4] 6 A.M.,” stating that (Clifton) Wharton will sail on the following day. ALS. DNA, RG43. First Panama Congress (M662, R1).

APPLICATIONS, RECOMMENDATIONS June 3, 1826

J[ohn] C. WRIGHT, Chenango Point, New York, solicits for his brother-in-law, Hamilton Collier, of Owego, Tioga County, lame as a result of an accident and
in need of an ocean voyage to restore his health, an appointment as dispatch bearer. Adds: “I leave here on the day after to-morrow on my return to Ohio, by the way of Connecticut, the falls of Niagara—and in the course of my journey I shall observe the signs of the times, and write you on my return, if not before. I shall be pleased to hear from you upon any subject.” ALS. DNA, RG59, A. and R. (MR1). Collier received no appointment.

From James Heaton

Near Middletown, Butler county, Ohio, June 4th. 1826.

Dear, Sir,

From the circumstance of my having in Decr. 1824, handed you an introductory letter from our mutual friend Genl. Harrison, as well as from the kind & gentlemanly treatment received at your hands during my stay at Washington, I have been emboldened to write you.

The situation you are in, of course enables you to see and hear the general current of public opinion in the Nation, as regards the impression that is produced, and that, probably may be produced in consequence of your affair with Mr. Randolph. In this part of the State, I should judge, that an opinion formed from our public prints, of the impression made on community would be erroneous, for the presses favorable to you, say little, or nothing of that affair, while those against, are unceasing and violent— It is singular that the Presses devoted to the General, are continually teaming with moral lectures and lessons against dueling, whereas the World knows, that if the practice be erroneous their devotee, has been thrice guilty to your once— It is thought by many of your friends here, (and as I suppose every where) unfortunate, that the necessity existed to produce such an affair— When at Washington, at the time above mentioned, at the request of my old acquaintance J. W. Gazlay, I went to the lodgings of, and was introduced to General Jackson, and to General Mc.Call, spent perhaps near an hour, the topic of conversation was, “What must be done with the Mexican Pirates” In that conversation, Genl. J. enquired of Gazlay & Mc.Call, whether they, or either of them, knew the opinion of Mr. Clay on that subject? the answer from both was, “they did not.” The Genl. then replied in a manner calculated to induce one of them to ascertain that fact. That, to me, was singular and mysterious at the time, but when on reflection, I recollected some exceptions you had formerly taken to some of his sudden movements over the lines of the U.S. I thought I understood his anxious enquiries better.

Some of our Western prints denounce the appointment of Mr. Cooley to Peru,— Such appointments never meet universal ap-
probation, but really, I think it a good one, at least a better one than could have been made in Cincinnati, from whence the growling emenates [sic].

It seems to me the change from King to Gallatin a [sic] fortunate one,7 immaterial what the expense— Permit me to remark, that I think, the furtherance and prosecution of the Cumberland road, if possible to the Wabash river, would redound much to the advantage of Ohio, Indiana, Illinois & Missouri, which public improvement will always carry the marks of your early & long exertions,8 for altho, from the conlixion [sic] of political elements, and from the conduct of the last Congress, it would seem that near one half that body was prepared to venture almost into the confines of General Anarchy, and God only knows whether the next, or the next, Congress will be less turbulent, yet, I say, whatever improvements of a permant [sic] character, can be made, even in those days of wrath & political indignation, will be appreciated, in the cool and coming days of general, National reflexion, and that single improvement, alone, will commemorate the name of its principal projector long after the Picture books, of the battle of Orleans shall become scarce, lost, and forgotten, amidst the Historical accounts of much greater achievements—

I now ask the exercise of your native goodness, not to consider this letter in any other light, than the effusions, of a Heart, of no temporary esteem & friendship. Sincerely Yours JAMES HEATON Hon. Henry Clay.

ALS. DLC-HC (DNA, M212, R9). Heaton, founder in 1806 of the city of Niles, Ohio, where he had erected a grist mill and iron furnace, had held local offices as surveyor and justice of the peace, had represented Butler County in the State legislature from 1806 to 1810 and in 1825, and returned to that body in 1827. He had been a Clay supporter in the campaign of 1824.

1 William Henry Harrison. The letter has not been found.
2 See above, Randolph to Clay, April 1, 1826, note.
3 Besides engaging in three or four formal duels, Andrew Jackson had issued several additional challenges and had participated in numerous brawls. A Nashville political opponent in 1828 placed the number of conflicts to that date at fourteen. Don Carlos Seitz, Famous American Duels, with Some Account of the Causes that Led up to Them, and the Men Engaged (New York, 1929), 123.
4 Richard K. Call, who had served as an aide to Jackson in the War of 1812 and, in 1823, had been appointed brigadier general of Florida militia.
5 See above, II, 636-62.
6 James Cooley. See below, Clay to Cooley, June 6, 1826.
7 See above, Clay to Gallatin, May 2, 5, 11, 1826.
8 See above, II, 187-89; Speech, January 17, 1825.

INSTRUCTIONS AND DISPATCHES June 4, 1826

From John M. Foster, La Guaira. Reports that "The Country remains quiet . . ." LS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Foster began his dispatch of July 2, 1826, below, on the bottom of the sheet on which this letter is written.
APPLICATIONS, RECOMMENDATIONS  

June 4, 1826

David Dickson, Port Gibson, Mississippi, refers to his letter of June 2 and to a letter from (Thomas B.) Reid, informing him of his appointment. States that, despite recent reports of Indian hostilities in northern Mexico, he has decided to accept the commission but that he would prefer the port at Refugio “should Mr. [Daniel W.] Smith resign.” ALS. DNA, RG59, Cons. Disp., Texas, vol. 1 (M-T153, R1).

MISCELLANEOUS LETTERS  

June 5, 1826

From J. Bartlett, Eastport (Maine). States that the duties referred to in his letter of November 2, 1825, have been refunded. ALS. DNA, RG59, Misc. Letters (M179, R64).

MISCELLANEOUS LETTERS  

June 6, 1826

To [John A. Cameron] “The Editor of the North Carolina Journal, Fayetteville.” Daniel Brent, as “directed by the Secretary,” subscribes for the Department (of State) “for two Nos., commencing with the first one,” of the paper. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 392 (M40, R19). Cameron, born in Virginia and reared in North Carolina, had represented Fayetteville in the legislature of the latter State from 1810 through 1812 and again in 1820, had attained the rank of major in the War of 1812, and in 1825 had assumed editorship of the newly founded Fayetteville Centinel, renamed the following year as the North Carolina Journal. As the controlling interest in this enterprise, he strongly supported Andrew Jackson's political career until the spring of 1831, when financial reverses forced Cameron to surrender ownership.

To James Cooley, Urbana, Ohio. Conveys “Official Notice” of his appointment as “Chargé d'Affaires of the United States at Peru” and gives him the choice of leaving immediately or postponing his departure until autumn. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 79-80 (M77, R6). LI draft, partially in Clay's hand, in DLC-HC (DNA, M212, R7). Cooley's nomination to the office, April 11, 1826, had been confirmed May 2. A copy of the “Official Notice,” dated May 2, is located in DNA, RG59, Ceremonial Communications, II, 48. Cooley, a Clay supporter from Champaign County, Ohio, had been one of the first lawyers to settle in Urbana and had held various local political offices during eleven years of residence there. He died in Lima, in February, 1828.

To William Crawford, St. Stephens (Alabama). Forwards his commission as “Judge of the United States for the Southern and Northern Districts of Alabama.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 331 (M40, R19). On July 24 Crawford acknowledged receipt of this letter and accepted the appointment. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

DIPLOMATIC NOTES  

June 7, 1826

To the Baron de Mareuil. Transmits a copy of an act passed at the last Session of Congress “to provide for the apprehension and delivery of Deserters from French ships, in the ports of the United States.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 271 (M38, R3). L draft, in CSMH. Cf.
above, Mareuil to Clay, October 4, November 16, December 24, 1825; Clay to Mareuil, November 7, December 19, 1825. The statute, 4 U.S. Stat., 160, had been enacted May 4, 1826.

INSTRUCTIONS AND DISPATCHES

June 7, 1826

From Richard C. Anderson, Jr., Bogotá, no. 44. Acknowledges receipt of the duplicate of Clay’s “despatch of the 15th of March last” which is “the first and only communication” he has had on this subject; reports that he has “on this day . . . confided the business of the mission to Mr. [Beaufort T.] Watts” and hopes on the following Monday to leave for Cartagena, whence he will “proceed to Porto Bello unless the arrival of other instructions . . . should render such a movement unnecessary.” LS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received July 16.

On July 17 Daniel Brent acknowledged receipt of this letter, sent Anderson his “joint and several credential Letter to the Congress referred to” and copies of additional documents that had been carried by Clifton Wharton and “defaced by the immersion which they had undergone” (cf. below, Wharton to Clay, June 29, 1826). Notes that the President and Secretary are both absent. Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 146-47.

MISCELLANEOUS LETTERS

June 7, 1826

From George Blake, Boston. Acknowledges receipt of a letter of May 30, requesting information concerning impressment of seamen from the brig Pharos, and reports that he cannot comply at present because Captain Merchant has left Boston. ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Vaughan to Clay, May 22, 1826. The letter of May 30 had been written by Daniel Brent. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 328-29 (M40, R19).

From Albert Gallatin, Baltimore. States his intention of “leaving this place to day” and of being “at New York on Monday next.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29).

From Samuel Smith, Baltimore. Recalls that he wrote Clay in connection with an effort of J(ohn) P. Kennedy to obtain appointment as Chargé at Stockholm (above, March 19, 1826) and “handed” Clay a letter received from Kennedy; requests return of the latter document for possible use in the forthcoming political campaign, when he expects Kennedy to “offer for Congress.” Notes that he, himself, is “to be opposed by one party as too friendly to the Administration—And by the other, as being the friend of Mr. [William H.] Crawford. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64). Smith was re-elected to the Senate in 1826; Kennedy, who campaigned as a Jacksonian, was decisively defeated.

In response to this request Clay transmitted to Smith, on June 9, copies of letters from Kennedy to Smith, March 18, and from Smith to Clay, March 19. LS. PHi-Dreer Collection.

Circular Request to Spoliation Claimants

DEPARTMENT OF STATE, 8th June, 1826.

To enable this Department to comply with the subjoined
resolution of the House of Representatives, the several Claimants to whom it refers are requested to send hither, by mail, as soon as practicable, Schedules of their respective Claims, exhibiting the particulars required by the Resolution. . . .

The publishers of the Laws of the United States will insert this notice six times in their papers.

Washington Daily National Journal, June 13, 1826. Unsigned. The resolution, adopted May 19, 1826, had called upon the Secretary of State “to submit to this House, at the next session of Congress, a schedule of the claims of American citizens, which have been or shall, previous to October 1, 1826, be filed in his Department, on the Governments of France, Naples, Holland, and Denmark, for illegal captures, spoliations, confiscations, or any other illegal acts, since the year 1805; in such manner as to present, in a tabular statement, the name of the claimant, the date of the act complained of; the name of the vessel which was the subject of the injury; the amount of the loss sustained; and any other circumstance essential to the understanding of the general nature of the claim; discriminating, as far as practicable, between such cases as were, and such cases as were not, subjected to adjudication, in the Courts of the aforesaid Governments.” For reference to the many routine responses (omitted by the editors), involving a very large number of claims, see below, Clay to Taylor, January 30, 1827, and note.

1 Schedule of information, as called for by the Resolution, omitted by editors.

From Daniel Webster

My Dear Sir

We are glad to learn through the papers that you have been able to leave the City, for a little visit into Maryland; as it gives us reason to hope that you have recovered from your recent indisposition.

You will have noticed Mr Lloyd’s resignation. I did not expect it, at this moment, although I was apprised of his wish to leave the Senate, as soon as he could. It was with difficulty he was persuaded, to attend the last Session. The Legislature being now in session, his place will be immediately filled. I incline to think that the appointment will fall on Mr Silsby. It has been intimated to me, indeed, that a different arrangement might, perhaps, be made, if I should approve it; but my impression at present is against it & I believe for very good reasons.

Mr. Silsby you know. He is entirely well disposed, & is a well informed Merchant, and a respectable man. It is not likely he would take much part in the discussions of the Senate; but would bring a good deal of useful knowledge into the body, & might be entirely relied on to support all just & proper measures.— According to general usage here, A Senator would now be appointed for 6 yrs, commencing next March, at the end of Mr. Mill’s present term of Office; but I think it probable enough, that having to fill the vacancy, occasioned by the resignation of Mr Lloyd, now, the Legislature may choose to postpone the other election to the winter. If the choice should come on now, I understand Mr Mills
will be re-elected. If postponed, it may be a little uncertain, it is said; as some suppose our Govr. has an inclination for the place. There are here, in the Legislature & out, a few very busy persons, who are hostile to the Administration. They have no system, but act, in every case, *pro re nata*, & content themselves with the general principle, applied in all cases, & indiscriminately, of opposing. They will probably support Mr. Lincoln, agt. Mr Mills from an idea that Mr Mill's appointment would gratify the friends of the President, or is a thing arranged, by his friends; although Mr Lincoln is known to be equally friendly. Some embarrassment may happen from this source, very possibly; but I trust it can be over come.

I have great pleasure in assuring you that nothing can be more correct, or more decisive than public opinion, in this part of the Country, in regard to the various transactions of the last Session.

The sentiment of the People is exactly what you would expect & wish it to be.

In N. Hamp. the Legislature meets nex[t] week. The two Senators will doubtless be present on that occasion, & we are looking with some interest to see whether Mr Woodbury, & the Editor of the Patriot (publisher of the Laws!) will be able to bring the Legislature & people of that State to their way of thinking. I am, My Dear Sir, very truly Yrs D. WEBSTER

ALS, DLC-HC (DNA, M212, R5).

1 Clay, with other Cabinet members and friends, had attended a cattle show at Baltimore between May 30 and June 2.

2 James Lloyd had resigned from the United States Senate on May 23.

3 Nathaniel Silsbee was chosen to complete Lloyd's term.

4 Elijah H. Mills did not become a candidate for re-election. The Massachusetts Legislature failed to fill the position until the spring of 1827, when it chose Webster, himself.

5 Levi Lincoln.

6 Samuel Bell; Levi Woodbury. Bell, a graduate of Dartmouth College and a lawyer, had served in the New Hampshire Legislature (1804-1809), had sat on the State supreme court (1816-1819), and had been Governor (1819-1823). He was United States Senator from 1823 to 1835.

7 Woodbury had voted during the previous Congress in opposition to Federal support of internal improvements and the Panama Mission. On the views of Isaac Hill, editor of the Concord *New Hampshire Patriot*, with reference to the Adams administration, see above, Morrill to Clay, March 8, 1826.

**INSTRUCTIONS AND DISPATCHES**

June 8, 1826

To John J. Appleton, no. 1. Notes that his letter of February 14 is the only communication received from him since he reached Naples and that “The one to which it refers . . . has not yet reached this Department.” Informs him that, since there appears to be no prospect, “even at a distant day,” of obtaining acknowledgment of American claims on Naples, “The President has concluded to postpone . . . further prosecution of them” and has appointed him “Charge d’affaires of the United States at Stockholm, in Sweden. . . .” Encloses his commission and other documents and promises preparation of “further and general instructions . . . with all convenient dispatch. . . .” Bids him “impress
upon the Government of" Naples "a due sense" of the disappointment of the United States at the failure of his mission and emphasize "that the further projection of" American claims "is only postponed. . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 81-82 (M77, R5). L, in Daniel Brent's hand with last few lines in Clay's hand, in DLC-HC (DNA, M212, R7). Published in Senate Docs., 23 Cong., 1 Sess., no. 70, p. 10. Copies of the letters of appointment and of credence, both dated May 2, 1826, are located in DNA, RG59, Ceremonial Communications, II, 38.

MISCELLANEOUS LETTERS

June 8, 1826

From Edward F. Tattnall, New York. Inquires "what official character," if any, John Mountain held in Havana in June, 1822; expresses hope that Clay's health has improved since the adjournment of Congress. ALS. DNA, RG59, Misc. Letters (M179, R64). See below, Clay to Tattnall, June 12, 1826.

To [Edward] Everett

My dear Sir Washn. 9h. June 1826

I recd. a letter 1 under date the 30h. Ulto. at N. York which I knew to be from you not by your signature (which it had not) but by its contents and your handwriting. I was glad to learn from it that the health of Mrs. E. your children 2 and yourself was good, and that you had advanced that far in comfort and safety. My health, in which you so kindly take an interest, is better than when you left us, and I count on a further improvement of it, which is still necessary, from the journey which I purpose in a few days commencing to the West.

I am afraid that Contostavlo 3 is mistaken as to the revocation of the prohibitory order of the B. Government, from what fell from Ld. Liverpool as to the intention to continue neutral &c. 4 I have spoken to Mr. Southard, 5 and he has expedited, he tells me, the necessary directions about the purchase of the vessel. 6 We will think of your suggestion in regard to instructions to Mr. Gallatin. 7

I am afflicted with the news from Colombia. 8 It is really squally; but I hope Bolivar, who is shortly expected on the Atlantic, will set matters right. That Republic has moved on with so much dignity, justice and propriety, that I should be greatly distressed if she were to be cursed with a civil War. These "military chieftains" are every where troublesome.

You cannot imagine how quiet we are here, since you gentlemen of Congress left us. Except my friend Johnston from Louisiana, Bouligny & Brent, Mess Calhoun and Berrien 9 (who I believe are rarely seen) only remain. Mr. Senator Eaton 10 and Genl. Duff Green of the Telegraph 11 cleared out about the same time a few days ago, whether in company or not, this deponent saith not.
We have no late foreign news. I had yesterday a despatch from your brother but it was old & had nothing very interesting in it. My intelligence from K. and from the West generally is very favorable to the administration.

With my best regards to Mrs. E. I am Your’s Cordially

Mr. Everett.

ALS. MHi.

1 Not found.

2 Everett had married Charlotte Gray Brooks, of Boston, in May, 1822. Probably only two of their six children had been born by 1826: Grace Fletcher, the eldest, who died in 1836, and Edward B., the eldest son, who died in 1861.

3 Alexander Contostavlos, a merchant of Scio, who had arrived in London in January, 1826, as an adviser to the Greek deputies negotiating for purchase of frigates. See above, Lafayette to Clay, May 28, 1826, note.

4 On September 30, 1825, George IV, referring to earlier British neutrality legislation which banned “fitting out or equipping in His Majesty’s Dominions, Vessels for warlike purposes, without His Majesty’s license” (59 Geo III, c.69), had issued a proclamation specifically “prohibiting British subjects from taking part in the Contest between the Ottoman Porte and the Greeks, or between other Belligerents.” British and Foreign State Papers, 1824-1825, pp. 525-29. Robert Banks Jenkinson, the second Earl of Liverpool, had served in the House of Commons in 1790 and from 1796 to 1803 and then had been elevated to the peerage. After holding several administrative posts in the government, including that of Secretary of State for War and Colonies from 1809 to 1812, he had become Prime Minister in 1812 and remained in that office until 1827.

5 Samuel Southard.

6 The Liberator.

7 Albert Gallatin.

8 See above, Litchfield to Clay, May 22, 1826, note.

9 Josiah S. Johnston; Dominique Bouligny; William L. Brent; John C. Calhoun; John M. Berrien.

10 John H. Eaton.

11 Washington United States Telegraph.

12 Alexander H. Everett; the dispatch, above, March 5, 1826.

**To P[eter] Force**

To the Edit. of the Journal. [June 9, 1826]

The enemies of the American System for the Encouragement of Home industry are constantly quoting the opinions of English members of Parliament, and particularly those of Mr. Huskisson against commercial restrictions. What says that member, in a late debate in the H. of Commons, on a proposition to repeal the Corn laws?1 “The honble member (alluding to the mover of the proposition) has argued as if free trade consisted in the removal of all difficulties and restrictions upon the importation of foreign articles into this Country, but that doctrine does not meet my view of free trade” “There are two grounds of restriction in the shape of duty upon the productions of foreign [sic] Country.” After discussing the first relating to revenue, he proceeds: “The other ground of restriction upon free trade consists of the protection which places the manufactures, or the produce of the soil, upon a fair footing with the manufactures and produce of the soil of other Countries.” (See Courier2 of the 19th. Apl. last) Is not Mr. Huskisson as much a friend to a Tariff as Mr. Clay?

INSTRUCTIONS AND DISPATCHES

June 9, 1826

From R[ichard] C. Anderson, Jr., Bogotá. Commends the appointment of Alejandro Vélez as (Colombian) “Consul Genl. to the United States . . .” ALS. DNA, RG59, Notes from Foreign Consuls, vol. 1. Enclosed in Vélez to Clay, December 5, 1826. Vélez, who had served as an engineer in the revolutionary army, now entered upon a diplomatic career during which he assumed charge of the Colombian legation in the United States in 1828 and became Minister of Foreign Relations of Colombia in 1831 and of New Granada from 1832 to 1833 and from 1839 to 1840.

From A[lexander] H. Everett, Madrid, no. 37. Acknowledges receipt of Clay’s “despatch No 5” (above, April 13, 1826) and promises to “lose no time in proposing to this government in the name of the Republic of Colombia and her Allies the conclusion of a long armistice . . .” States that he has “reason to suppose that an overture of this kind has already been made by the Representatives of France and Great Britain” (the Marquis de Moustier; Frederick J. Lamb); that he does not anticipate “immediate acceptance of the proposal” but is “not however without some hopes of success”; that he believes “a formal treaty could be obtained with nearly as little difficulty as a long armistice”; and “that the idea of proposing a long armistice may have been suggested to the Colombian Government by that of France.” Notes that he “had anticipated” his instructions concerning the use to be made of Clay’s “intercessions with the Mexican and Colombian Governments respecting the expedition against Cuba” and that “The effect on this Cabinet has been very favorable . . .” Encloses a letter that indicates no change yet in Russian policy toward negotiations for peace, “at least as manifested here.” Comments that he awaits “farther instructions in regard to the project of a Commercial Convention, which” he supposes “to be the one alluded to” by Clay “as in some respects objectionable.” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received August 16. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2129-30.

From W[illiam] H. Wright, Rio de Janeiro. Requests instructions relative to interpretation of the law and of a State Department circular concerning the registry of American vessels sold in foreign ports to American citizens, in the specific case of “the Sale of the Brig Homer of Baltimore.” Inquires also about providing “subsistence and passage for American Sailors, who have been engaged in . . . foreign service and are desirous of returning to the United States.” ALS. DNA, RG59, Cons. Disp., Rio de Janeiro, vol. 2 (M-T172, R3). Received July 28. Endorsed (AEI): “Mr. [Daniel] Brent will prepare an ansr. H C.”

MISCELLANEOUS LETTERS

June 9, 1826

From Albert Gallatin, Baltimore. Notes having been detained but expresses assurance that his arrival in New York will not be delayed; wishes to know, “without waiting for . . . other instructions, . . . what is the extent of allowance for transcribing . . .” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29).
From THOMAS R. MERCEIN, New York. Asks whether further testimony is needed in the case of the Hope (see above, Mercein to Clay, April 21, 1826). ALS. DNA, RG76, Misc. Claims, Buenos Aires.

INSTRUCTIONS AND DISPATCHES

June 10, 1826

To JAMES BROWN, no. 6. Requests him to transmit to the Secretary of the Treasury (Richard Rush) certain books listed in an enclosure (not found). Acknowledges receipt of Brown's "despatches to No. 48 [above, February 27, 1826], and private Letters to 15th April." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 83 (M77, R6). L draft, in Daniel Brent's hand, in DLC-HC (DNA, M212, R7).

From HEMAN ALLEN, Valparaiso, no. 32. Encloses copies of his correspondence with (Michael) Hogan concerning claims of American citizens "against this government, . . . on which . . . [Allen] did not think proper to act"; promises to forward "copies of the material documents in these cases . . . by the next conveyance. . . ." Reports having been informed that (Mariano) Egafia, now Chilean representative in England, "has been ordered to repair to the United States, in quality of Minister Plenipotentiary." States that he will forward, "by the next conveyance," copies of a further exchange of notes "in respect to the case of the Macedonian [see above, Allen to Clay, June 24, 1825], but without effect." Mentions a mutiny among troops in Chiloé, the forces of (Bernardo) O'Higgins, now in control there, and "Another expedition" against it about to sail under unpropitious circumstances. Foresees no "progress in just and liberal principles" by the National Congress, "about to convene," since its membership includes "seventeen Priests." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Extract, in MHi-Adams Papers, Letters Received (MR476). Received September 8.

The enclosures reveal that the claims here mentioned resulted from sales, in 1816, of two American vessels, the Clifton and the Savage, to "Joseph M. de Carrera, acting . . . for himself and the Republican government of Chile"; that Robert and John Oliver have an "interest in the recovery"; that Allen and Hogan disagree as to the justice of the claims; and that Allen has declined acting in the matter.

MISCELLANEOUS LETTERS

June 10, 1826

To ALBERT GALLATIN. States, in answer to Gallatin's inquiry of the preceding day, that he will probably "be obliged to have, in constant employment, the services of a Clerk," for whom "the compensation will be reasonable." Authorizes him to hire a person at a salary not to exceed $1500 per year. Notes that his instructions and other papers will be forwarded to New York in time for him to sail "on the first of next month, if not before." LS. NHi-Gallatin Papers (MR13). ALI draft, in DLC-HC (DNA, M212, R7); copy, in DNA, RG59, Dip. Instr., vol. 11, p. 88 (M77, R6).

To SAMUEL L. SOUTHARD. Expresses confidence in "the perfect accuracy of the a/c" (not found), transmits $9.94, and returns "the memo." ALS. NjP-Samuel L. Southard Papers.

From DAVID A. OGDEN, Waddington, St. Lawrence, New York. Asks either that Britain be pressed for "a relinquishment of the Heavy duties, imposed
[sic] upon our Products descending the River St. Lawrence, or if this cannot be obtained, then to procure for our citizens, a place of Deposit from whence the same may be shipped upon the ocean, free of Duties. . . .” Encloses copy of a letter that he wrote to (Churchill C.) Cambreleng, during the Monroe administration, on trade with the Canadas. ALS. DNA, RG59, Misc. Letters (M179, R64). Ogden was a Waddington merchant.

APPLICATIONS, RECOMMENDATIONS

June 10, 1826

SAMUEL CAMPBELL, Columbus (New York), solicits employment “in one of the Departments of the Genl. Government.” ALS. DNA, RG59, A. and R. (MR1). Campbell, born and educated in Connecticut, had become a farmer at Columbus around the turn of the century. He had held various local offices, serving as a justice of the peace for twenty-five years. He had also held seats in the New York General Assembly (1808-1809, 1812, 1820) and as a member of Congress (1821-1823). He did not receive the requested Federal appointment.

To Stephen Van Rensselaer

My Dear Sir

I promised our mutual friend Mr. Featherstonhaugh," when he was here, a letter of introduction to Mr. Gallatin. As he left the City earlier than I expected I did not then execute my promise; and I now take the liberty of inclosing the promised letter to your care, knowing that he will safely receive it from your hands.

With my respectful Compliments to your lady and family

I am Your’s Cordially

H. CLAY


1 George W. Featherstonhaugh. 2 Albert Gallatin.

3 Van Rensselaer’s wife, his second, by marriage in 1802, was Cornelia Paterson, the daughter of William Paterson of New Jersey, a delegate to the Constitutional Convention of 1787, United States Senator (1789), Governor of New Jersey (1790-1792), and Associate Justice of the United States Supreme Court (1792-1806). The Van Rensselaers had nine children.

INSTRUCTIONS AND DISPATCHES

June 11, 1826

From W[ILLIAM] TUDOR, Lima, no. 42. Encloses “two pamphlets, the one containing the new Constitution & address of Gen. [Simon] Bolivar, & the other a pamphlet by Mr Laso, a deputy to the late Congress of Peru.” Asserts that the latter, “published under the special revision & correction of Gen Bolivar,” is designed “to influence opinion” in favor of the latter’s “plans” and is inaccurate, at least in part. Notes that his, Tudor’s, “letter No 40 [above, May 17, 1826], will serve as a kind of explanatory preface to” these enclosures. Charges that the projected constitution was kept from public view until transmitted in time to reach the deputies “at their assembling on the 25th of this month, & as they assemble under the bayonets of Gen. [Antonio José de] Sucre there will be no useless discussion”; that schemes are on foot to make “the Dominion of Gen. Bolivar . . . coextensive with that of the ancient empire of the Incas”; and that the dispatch of a mission to Brazil but none to Buenos Aires,
indicates "the policy intended to be pursued." Encloses also a copy of the new tariff and points out that "certain enumerated articles pay a duty of 80 pr Ct ad valorem," falling "very heavily on certain articles of our trade, especially, soap, lard, furniture," and cotton goods. Expresses hope for the establishment of fast communication with the United States via Panama. LS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received October 24. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1798.

Benito Laso, trained as a lawyer and active in the movement for Peruvian independence since 1810, was elevated to the prefecture of Puno, following his endorsement of the leadership of Bolivar in the Exposición, published in 1826. After the decline of Bolivar’s influence, in 1827, Laso was exiled to Bolivia but subsequently resumed his legal practice in Arequipa (1830), became judge of Arequipa (1832 to 1836), a member of the Council of State (1839 to 1845), Minister of Instruction (1842), and Minister Plenipotentiary to Chile (1845).

MISCELLANEOUS LETTERS

June 11, 1826

To Edward Everett. Introduces the bearer, “Mr. Triplett, a native of Virginia and a resident of Kentucky,” who is “about to visit Boston.” ALS. MHi. The bearer was probably Robert Triplett.

To John C. Sullivan

Dear Sir

Washington 12h. June 1826.

Mr. Sp. Pettis Counseller [sic] at Law of St. Louis having collected a sum of money on my account from Mr. Richard Graham, you will oblige me if you will call on Mr. Pettis and receive the amount from him and remit it to me at Lexington, for which place I purpose setting out in a few days. I have written to him requesting him to pay over the amount to you. I should prefer the remittance to be made in a check on the Bank of the U. S. or one of its branches, and if no such check can be obtained in some other manner that you may deem perfectly safe. Be pleased to let me hear from you, on my arrival at Lexington, which place I shall leave about the 20th. of July. I am Yr. ob. Servt. H Clay

Majr. John C. Sullivan


1 Born in Virginia, a brother of George and John Graham, aide to William Henry Harrison during the War of 1812, since 1818 an Indian agent, in Illinois until 1821 and subsequently among the Osage, Delaware, Shawnee, and Kickapoo.

2 Letter not found.

From James Brown

My dear Sir,

Paris June 12. 1826

I had the pleasure of receiving your letter of the April and
have been relieved from my anxiety by finding that your health
and spirits have not suffered from the fatigues and vexations you
have experienced during the long and stormy session which has
just terminated. I have never doubted but that the opposition
had made a very unfortunate choice of their ground, and that the
people would very generally approve the conduct of the Adminis-
tration in relation to the Panama Mission. In the course of the
next year the Members who compose this opposition will find it
necessary to designate their respective Candidates, and division
will take the place of that apparent Union which has hitherto
prevailed among them, and which has given a semblance of
strength to their measures. New York will come out in favor of
Mr. Clinton, Virginia and part of North Carolina and Georgia
will adhere to Mr Crawford, whilst South Carolina, Tennessee, and Mississippi, will continue to support General Jackson. In all
this I do not find that the Vice President is likely to gain much
although it would seem at this distance that he is one of the most
violent opponents of Mr Adams. He will however be well placed
for observation, and although he may not obtain the highest place
he may so dispose of his influence as to receive some agreeable post in
case of a change in the Presidency. It is however most probable that
these divisions will ensure Mr Adams re-election which will,
independently of that circumstance, derive strong support from the
correctness of his political course, and from the prosperous con-
dition of the Country.

Having for some days suffered a little from a rheumatic fever
I shall set out on the 25th for Aix in Savoy where I shall not remain
more than three or four weeks and hope to return in time to
receive your additional Instructions. I am happy you have not
presented the subject to Congress at this time for various reasons
which I am sure a carefull examination of the question; and a
close attention to the present condition of Europe and particularly
of France must have already presented to your mind. If we are
forced to take decided measures we ought to chuse if possible our
time to do so, and as we have as yet lost no honor in the negociation
we may afford to wait until we can select the moment when we can
press with the greatest efficiency.

As Mr King intends to sail on the 1st. of July we may expect
soon to hear of his successor. I am happy that Mr Gallatin has
been thought of, but I fear the state of his fortune and the great
expence of living in London may deter him from accepting it. It is impossible to live in Paris for much less than twice the
Salary, and the expences are somewhat greater at London than
here. It is true that whilst it is expected here that Ministers shall
entertain nearly as much as Ambassadors these last only receive
much company at London. Our Countrymen expect attentions and generally bring letters to their Minister. Their number at least of such as feel a desire to go into society is about the same in the two cities. I have endeavored to send them away in a good humor and as far as I can Judge, but few if any of them have been dissatisfied with their reception at this Legation. Mrs. Brown as you know is fond of company and generally feels much pleasure in receiving Americans the greater part of whom by their pursuits, character, and manners, do great honor to our Country. We are sometimes put to considerable expense in providing for and sending home, by subscription, thoughtless, and sometimes worthless individuals, who float by their levity from their native shores without means and are found here in a state of utter destitution of all the necessaries of life. On all these occasions they consider the two hundred thousand Dollars of General Lafayette and the nine thousand dollars of the Minister as a contingent fund and they boldly draw upon in all times of need.

The General has gone to La Grange where he will spend the summer. I wrote to him a few days ago and apologized as you directed me for your delay in answering his letters. As far as I can learn he has followed the good advice he received from his friends at Washington and takes no active share in politics. Owing no debts he has it in his power, with prudence, to spend the residue of his life in peace and tranquility.

I regret the unfortunate crossing of our drafts at Sea and hope that the plan I suggested of charging my draft of three thousand on the books of the Treasury and leaving me to draw for nine instead of twelve thousand francs for my present quarter will answer the purpose—If not as Exchange is in favor and Bills very difficult to be bought here you may draw on me at sight.

I have always apprehended that Mr Everett was too Sanguine in his expectations that Spain would yield to the representations of France England and the United States in the recognitions of the South American Republics. At no time have the Ministers of France and England believed that the question would be early given up by Spain a government very tardy in its decisions and influenced by Cabals all of which would inveigh against the Surrender of any portion of the Domain. At all events you will have time enough to look out for a Negotiator before Spain will agree to submit the subject to the Mediation of any power. France and England are I have no doubt sincere in wishing the war terminated and doing all they can to effect that object—Mr Murphey the Agent of Mexico was when I last conversed with him entirely ignorant of the Instructions sent out to the Columbian Agent to obtain a truce. Since that time I have seen the
Columbian Agent who told me that he had communicated the project to Mr Murphey who disapproved it. I fear there is not that degree of concert in the operations of these Republics which would be desirable—

I am happy to find that Mr Sheldon's health about which I had some apprehensions is now nearly re-established— The rapid decline in it which took place about eight weeks ago was in a great measure attributable to the sickness and death of his youngest brother who died of Consumption, the same disease with which Mr Sheldon was threatened and which has proved fatal to several Members of his family. He will remain in Paris until my return and then perhaps make an excursion of a few weeks to the sea Shore.

I have heard nothing from Mr Appleton for some time. When I last heard from him I was waiting orders from Government and expected to come on to Paris.

Mr de Villele has withstood the attacks of the opposition better than was expected and will keep his place for some time. I believe I have sent you all the information which Can be desired in relation to the Antient Colonists of St Domingo. It would be an act of compassion and justice to these claimants to tell them that there exists great doubt here as to the ability of the Haitien Government punctually to pay the One hundred and fifty Millions of Indemnity. It amounts to a debt of nearly two hundred and fifty francs per head on all the present population of that Island. I hope the claimants will remain where they now are and not come out to France in the expectation of receiving their portion and it would be well to convey this idea to them unofficially by a paragraph in the public papers.

It would give me great pleasure to know where you will spend the summer— If you could spend some time in New York and Philadelphia it might be of more use to your health than a journey to Kentucky.

Mrs. B. is well and joins in Affectionate salutations to Mrs Clay.

Hon Henry Clay.

Yours Truly

JAMES BROWN
From Sylvester S. Southworth

June 12, 1826

Dear Sir

I have the honor to inform you that I received a note from Mr. Daniel Brent, last evening dated the 7 Inst, requesting us to forward to the Department of State two Numbers of the Literary Cadet. For this patronage the Department will be pleased to accept my sincere thanks, with those of the young gentlemen who print the publication.—

It will be perceived that we have commenced the publication of a portrait of the opposition: the articles are very popular in this quarter, and I regret that it is not in my power to make them more faithful. Could not some one be prevailed upon to forward to me, in the most private manner, some facts relative to the life of John H Eaton and Robert Y Hayne? Perhaps Mr Theodore H [sic] Clay would do it if he is in Washington.—

I beg leave to assure the Secretary of State that the feeble energies of the Literary Cadet, shall ever be devoted to his Services, and that no effort shall be wanting on my part to prove my attachment to the interests of Mr Clay.—

I send by the mail the files of the Cadet. I have the honor to be your Most faithful Servant

SYLVESTER S SOUTHWORTH

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay at Washington. Endorsed on cover: "Private."

On June 6 Brent, by direction of "the Secretary," had requested the editor "to consider this Department as a subscriber for two Nos. of the Literary Cadet commencing with the first one..." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 332 (M40, R19).

DIPLOMATIC NOTES

June 12, 1826

From the Baron de Mareuil, Washington. Acknowledges receipt of Clay's note of June 7, with its enclosures, which he will transmit to his government. Comments that his government had not thought "une Sanction ultérieure" necessary for execution in United States ports of the stipulations of Article 6 of the convention of 1822, but it is "sensible" of the difficulties of the Federal government in enforcing the article in the several States and recognizes the sincerity shown in the efforts to supplement and interpret it. NS, in French. DNA, RG59, Notes from French Legation, vol. 9 (M53, R7).

INSTRUCTIONS AND DISPATCHES

June 12, 1826

To Thomas Ludwell Lee Brent, Lisbon, no. 4. Transmits "some documents just received from Mr. Hodges" relative to the mistreatment of William Prince in the Cape Verde Islands (above, Hodges to Clay, May 19, 1826); instructs Brent to "bring this case, which requires no comment, to the notice of the Portuguese Government, whose sense of justice and propriety cannot fail to cause immediate reparation to be made to the injured American citizen, and adequate punishment to be inflicted on the Portuguese Military
June 12, 1826

To Edward F. Tattnall, New York. Acknowledges receipt of his letter of June 8; reports that from June to November, 1821, Mountain had been deputized by John Warner to perform the duties of United States commercial agent at Havana during the latter's absence; notes that in 1824 Mountain served in a similar capacity. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 333-34 (M40, R19).

From Langdon Cheves. Encloses "the Concluding portion of the Correspondence growing out of the Note of the British Comr. of the 4th. Ultimo" (see above, Cheves to Clay, May 8, June 3, 1826). Cites "This correspondence" as "the most Conclusive evidence of the hopelessness of this Commission, unless some new impulse be given to it by the two Governments." Adds that the Board has adjourned to December 6, "unless either Comr. shall see Cause to Call it together at an earlier day." ALS. DNA, RG76, Great Britain-Treaty-December 24, 1814 (NP65-28, R1).

June 13, 1826

To James Brown, no. 7. Transmits, "At the special instance of Mrs. Deborah S. Warnier of Edenton, North Carolina, the widow of a deceased exile from St. Domingo," a "sealed packet, containing evidences of the claim of the heirs of Angel Warnier to indemnification from the Government of France for the loss of property on that Island." Adds: "We could not do less, in this case, than comply with the wish of that Lady; but you need not be alarmed, as we shall studiously avoid troubling you with other commissions of the same sort." Copy. DNA, RG59, Dipl. Instr., vol. 11, p. 84 (M77, R6). L draft, by Brent, in DLC-HC (DNA, M212, R7). The Warniers not identified.

From Robert Monroe Harrison, Antigua. Complains of the refusal of American masters of vessels to deposit their registers, according to law, with the American vice consul at St. Christopher, George M. Tapshire; notes that shipmasters from New Haven are the worst offenders; states that he will forward to the Department of State the name of the next master who refuses to deposit his papers. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received July 10.

From Henry Middleton, St. Petersburg, no. 60, "private & confidential." Reports having learned, from what he considers "an authentic source," that the Duke of Wellington "was unable to prevent the Russian Ultimatum being dispatched to the Porte [see above, Brown to Clay, April 27, 1826]. But he . . . succeeded in signing on the 4th. April last a Protocol" under which England would undertake to prevail upon Turkey to recognize an independent Greece, divided into three parts, that independence to be guaranteed by France, Austria, and Prussia. Notes a belief "that Mr. [George] Canning did not entirely approve of this convention"; a report that the withdrawal of Austrian support had forced Turkey to yield to Russian demands; and the probability that "relations between Russia and Austria are . . . less friendly than heretofore." ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated "1/13 June." Received September 24. Cf. above, Middleton to Clay, April 21, 1825, note.
JUNE 14, 1826

MISCELLANEOUS LETTERS

June 13, 1826

From JOHN S. ELLIS, "Office of Board of Commissioners Under St. Petersburg Convention Washington." Transmits a "packet by direction of Langdon Cheves" and requests, "in obedience to his further instructions, the Protocol of the proceedings of the Commission, for the purposes of examination and completion." ALS. DNA, RG76, Great Britain-Treaty-December 24, 1814 (M NP55-28, R1). Ellis, not further identified, served as secretary to the American Commissioners.

From WATERS SMITH, St. Augustine, Florida. Inquires whether the President wishes him to take charge of documents from the office of "The Recording Clerk of the late Board of Land Commissioners for East Florida . . . until persons are appointed for that purpose. . . ." Carter (ed.), Territorial Papers, XXIII, 591. Francis J. Fatio, a native of Florida, had held the position of secretary to the Board of Land Commissioners of East Florida from August, 1823, until termination of the board's activities in January, 1826.

To Francis T. Brooke

My Dear Sir Washington 14h. June 1826

I regret very much to learn from your letter of of [sic] the 13h. instant¹ that you have been unwell. I had understood from Mr. Triplett² that you had come home, but he did not state the cause. It is true that I was confined to my bed several days of the week in which Congress adjourned. My indisposition, I thought, proceeded from an indiscreet use of cold water, when I was much heated. My health has been much better since, but is still susceptible of improvement, which I hope to realize on a journey to Kentucky which I expect to commence about the middle of next week. On my return in August I purpose, if practicable, to stop a week or two at the White Sulphur Springs in Virginia, where I should be extremely happy to meet you. I would not go to Kentucky this summer but that business obliges me.

We are very quiet here, since the adjournment of our masters; and I am glad to be able to add that intelligence from all quarters assures us of the general satisfaction with the administration.

Francis Brooke Esq I am cordially Your friend H CLAY

ALS. DLC-TJC (DNA, M212, R13).

¹ Not found. ² Probably Robert Triplett.

Check to N[elson] Davidson

Pay to N. Davidson or order two hundred dollars. H CLAY

Cashr. of the Off. of Dt. & Dt. Washington¹

ADS. DLC-TJC (DNA, M212, R16). Endorsed on verso by Davidson, a coachmaker in Washington. Cf. below, Receipt, June 24, 1826.

¹ Richard Smith.
To Daniel Webster

My dear Sir

Washington, 14th. June 1826.

Your obliging favor of the 8th. inst. came duly to hand. My health, about which you kindly express an interest, has improved since the adjournment of Congress, but is susceptible of further improvement, which I hope to realize on a journey, which I purpose commencing in 8 or 10 days to Kentucky.

We have heard of Mr. Silsbee's appointment. He is a worthy, useful and (what, in these times, is no small recommendation) a perfectly faithful man. There would have been some advantages in your entering the Senate. Some too would have been lost by your leaving the House. You could not have taken, during the whole of the first Session of your Service in the Senate, the strong and commanding ground which you now occupy in the house. My opinion is that you acted wisely, for yourself and the Country, in deciding to remain where you are.

I have read, with much satisfaction, your favorable account of the state of public feeling and opinion, towards the Administration, in your quarter. We have similar accounts from every other quarter, less favorable it is true from the South, but far more encouraging in that direction than could have been inferred from the vote of the Southern representation, during the last Session.¹ I have perfect confidence of the entire success of Mr. Adams. He will be re-elected by a vote of more than two thirds of the Union. I am Cordially & faithfully Yr. ob. Servt. H. Clay

The Honble D. Webster.

ALS. DLC-Daniel Webster Papers (DNA, M212, R22).

¹ Cf. above, Hammond to Clay, April 7, 1826.

INSTRUCTIONS AND DISPATCHES

June 14, 1826

To Andrew Armstrong, "at Philadelphia." States that Armstrong's letter of June 1 has been submitted to the President; notes that "the tenor of that letter" and Armstrong's conversations with Clay in Washington indicate "reluctance in returning to Hayti, in consequence of apprehensions that the policy which the government of the United States thinks proper to pursue, in respect to that Island" would render the situation there less agreeable than "it was heretofore." States that Clay is "charged by the President to say that it is left entirely to" Armstrong to decide whether to "return or not" and that the reference to Haiti in "the President's Message on the Panama Mission . . . speaks for itself," as Armstrong should state, should he return, in reply "to any enquiries . . . about it." Adds: "Our policy must be regulated by our own sense of our interests and duties, whether it be conformable to the wishes of the Government of Hayti or not." Expresses doubt "that Hayti will find it to her interest to put a stop to" trade with the United States and asserts that "At all events the Government could not be driven from the line of
policy which it has at present marked out, by apprehensions of any non-
intercourse which the Government of Hayti might think proper to ordain
to effect that purpose." Copy. DNA, RG59, Cons. Instr., vol. 2, p. 396
(M78, R2).

From Christopher Hughes, Calais, "Private." Reports having "landed here
yesterday" and his intention of reaching "Brussels on 17th," and of going "to
the Hague immediately"; acknowledges receipt of the papers requested in his
"letter of the 4th. [i.e., 3rd] May"; states that he "received through Mr. [David
B.] Ogden of N. York, & Mr. [Robert] Oliver, copies of the papers concerning
Messrs. Leroy & Bayards claim" (cf. above, Clay to Hughes, April 27, 1826); 
notes that Europe is tranquil, that "in England there is great distress among
the working class—and complaint of the high prices of provisions, in the
dearth of employment," and that "Much sympathy is excited & expressed
everywhere for the Greeks." ALS. DNA, RG59, Dip. Disp., Netherlands,
vol. 8 (M42, R12). Received August 6.

There had been many business failures in Great Britain during the spring of
1826, reported as a total of 1,641 to 1,827 during the first half of the year,
compared with 489 for the same period of 1825. "The laboring classes"
were described as "distressed beyond precedent," with "several hundred
thousands" unemployed. Niles' Weekly Register, XXX (April 15, August 26,
1826), 110, 449; XXI (September 16, 1826), 39.

From Nathan Levy, St. Thomas. Reports having visited St. Croix to present
his credentials to Governor General Bardenfleth, who promised to send his
exequatur to St. Thomas but who refused, on the ground of lack of instructions,
to accede to Levy's request that "in future, the register & other Ship
papers of American Vessels, Should (after being presented at the Custom House) be
deposited with the Consulate ...." Notes that the absence of the requirement
of this deposit, "the pivot upon which the Consular System moves," "leaves
open a variety of avenues by which the flag of the United States may be used
to cover numberless, nefarious proceedings." Appeals for aid in obtaining
"that right that is still withheld—If . . . it shall be thought unrelinquishable." En
sends correspondence with the Governor General on this matter. LS. DNA,
RG59, Cons. Disp., St. Thomas, vol. 2 (M-T350, R2). Dated "June 1826" (cf.
below, Levy to Clay, October 1, 1826). Received July 13. Johan Frederik
Bardenfleth served as Governor General of the Danish West Indies from
1822 to 1827.

DIPLOMATIC NOTES

June 15, 1826

To CHARLES R. VAUGHAN. Refers to Vaughan's note of May 22 and to the
letter just received from (George) Blake (above, June 7, 1826), who states
that Captain Merchant, of the Pharos, has sailed from Boston; states that the
investigation, nevertheless, will be prosecuted, "and it will afford much satis-
faction if it should issue in an acquittal of those British Officers concerned,
of all blame." Observes that if the British consul (George Manners) "felt
himself officially authorized to interrogate Captain Merchant on the occasion,
it would have been better to have called in a magistrate qualified to administer
an oath, and to take the examination of the witness"; that the "ex parte
statement, unverified by any oath, and giving to it the fullest credit, . . . does
not furnish any thing like a satisfactory explanation . . . of the conduct
of the British officers." Refers to the practice "of allowing an armed vessel to
obtain seamen from a foreign merchantman, under colour of their volunteering" which, he believes, "would lead to every species of abuse, and if, after seamen are thus suffered to volunteer, or are enticed from their duty they may be lawfully demanded of the unarmed merchantman, in the presence of a Man of War, and by a boat for that purpose sent from her, with a crew armed or unarmed, whatever name may be given to the transaction, it is, in fact, ii not in form, an instance of impressment." Concludes: "Should, therefore, the statement of the British Consul turn out to be true in all its particulars, the President indulges the confident expectation that the Government of His Britannic Majesty will not fail to require an immediate restoration of the seamen yet detained in the British service, and cause such punishment to be inflicted on the officers who were concerned in the impressment as will effectually prevent the recurrence of similar outrages." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 271-73 (M38, R3). AL draft, in CSmH. Published in "American State Papers, Foreign Relations," VI, 370-71.

APPLICATIONS, RECOMMENDATIONS

June 15, 1826

A. W. Preuss, Washington, offers his "gratuitous services as Interpreter" in order that Clay may judge whether he is "a proper subject for . . . patronage"; notes that he is "personally known to . . . the President" and was employed by the State Department in 1810 and 1814. ALS. DNA, RG59, A. and R. (MR3). Preuss, not further identified, received no appointment at this time.

James Skinner, Yale College, recommends a "young gentleman educated at this college" for a clerkship "in one of the public offices at Washington." ALS. Ibid. Endorsed by Clay: "Mr James Skinner [A Clerkship wanting] Answd.— None to be had." Skinner not identified; the answer to his letter not found.

John Williams, Guatemala, notes that (Charles) Savage, United States consul in Guatemala, has not arrived and may resign; recommends as his successor, in the latter event, William Phillips, Philadelphia merchant, who arrived in Guatemala a year ago. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 18. On Savage, see above, III, 421n. On Phillips, see below, Williams to Clay, November 24, 1826.

MISCELLANEOUS LETTERS

June 16, 1826

From Richard Henry Lee, Leesburg. Offers to furnish papers of Arthur Lee, which might be valuable in negotiations with France. Asserts that these documents support the position that funds sent to the United States during the Revolutionary War through Caron de Beaumarchais were gifts, not loans. Suggests that the United States consider paying to its own citizens currently pressing claims against France the amount the Beaumarchais heirs assert was extended to the United States as a loan. ALS. DNA, RG59, Misc. Letters (M179, R64). Richard Henry Lee had been graduated from Dickinson College in 1812 and had studied law. He joined the faculty at Washington College, Washington, Pennsylvania, in 1833 and in 1856 became a clergymen in that community, where he remained until his death. Arthur Lee, Richard Henry's grand uncle, had been educated in medicine at the University of Edinburgh but after a brief period of practice in Williamsburg, Virginia, had returned to England to study law and had been admitted to the bar there in 1775. That year he had become the confidential agent in London of the Continental
To D[avid] A. Ogden

Dear Sir

Washington 17th. June 1826

I recd. this day your obliging letter of the 10th. inst. with the Copy of a previous letter from you to Mr. Cambreleng inclosed. I had before the receipt of it completed the instructions to Mr. Gallatin, in respect to the St. Lawrence &c.,¹ and I am happy on reviewing them to find that they have been prepared under impression[s] similar to your own.²

By acts of Parliament, passed during the last year, American produce may (if the Comptrollers and Collectors of the British revenue should choose to permit it) be admitted into the port of Quebec and warehoused free of duty, and thence exported.³ Can you inform me what has been done at Quebec under this act, and whether any American produce has been introduced there according to its provisions? I am respectfully Your ob. Servant

D. A. Ogden Esq'r

H. Clay.

ALS. NN.

¹ See below, Clay to Gallatin, June 19, 1826.

² On August 5 Daniel Brent in Clay's absence sent to Gallatin copies of both Ogden letters, with the comment that they appeared "to have been accidentally omitted" from the instructions. Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 150 (M77, R6).

³ The act of July 5, 1825, which codified British trade regulations, provided that "Kingston in the Island of Jamaica, Halifax in Nova Scotia, Quebec in Canada, Saint John's in New Brunswick, and Bridge Town in the Island of Barbadoes, shall be free warehousing Ports for the Purposes of this Act; and that it shall be lawful for the several Collectors and Comptrollers of the said Ports respectively, by Notice in Writing under their Hand, to appoint . . . such Warehouses . . . as shall be approved of by them, for the free warehousing and securing of Goods therein . . . and also in such Notice to declare what Sorts of Goods may be so warehoused, and also by like Notice to revoke or alter any such Appointment or Declaration . . . ." 6 Geo. IV, ch. 114.

INSTRUCTIONS AND DISPATCHES

June 17, 1826

From John M. Forbes, Buenos Aires, no. 37. Reports having received on April 5 his instruction no. 2, dated January 9, and having communicated it to the President (Bernardino Rivadavia), who expressed gratitude for the efforts of the United States to obtain from Madrid an acknowledgment of South American independence, sympathy for "the intimation" to Mexico and Colombia made by the United States "to obtain a suspension of the projected attack on Cuba and Porto Rico," an opinion that "the future lot of those two islands" should be considered by the Panama Congress, and pleasure at the prospect of participation by representatives of the United States in that Congress. Comments
on political and economic difficulties of the Republic of Rio de la Plata and notes that the “labyrinth . . . can only be cleared up by” the end of the war with Brazil and the adoption of a constitution, that the army is being strengthened “for a decisive blow in the . . . Spring,” and that, meanwhile, “great hopes are entertained that . . . a peace may be brought about through the mediation of Lord Ponsonby, supposed to be already at Rio de Janeiro, on his way here.” Asserts that the British mediation is said to be designed to erect “a neutral and independent Government in the Banda Oriental, under the guarantee of England,” and that this arrangement “would only create a Colony in disguise.” States that “the American brig ‘Homer’” has just anchored, after “having been chased . . . by the Brazilian Squadron”; expresses a wish for instructions, particularly “on subject [sic] of blockades”; cites a French protest “against any blockade except that de facto”; and notes the silence of the British on this subject. Reports that Manuel Moreno has declined appointment “as Minister Plenipotentiary to the United States.” States that he (Forbes) is having the President’s message on the Panama Congress, addressed to the House of Representatives (see above, King to Clay, March 21, 1826, note), found in a London paper, translated and “circulated among the Governors of Provinces, members of Congress &c.” LS. DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Continued on June 18, 21, 22, 1826. Received November 17. Published in Espil (comp.), Once Años en Buenos Aires, 425-31; extracts in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, I, 653-55. John Brabazon Ponsonby, who had previously served in the Irish Parliament (1797-1800), in that of the United Kingdom (1801-1802), and under extended appointment in the Ionian Islands, had been named in February, 1826, as British Envoy Extraordinary and Minister Plenipotentiary to Buenos Aires. He was transferred in the same capacity to Rio de Janeiro from 1828 to 1830, to Naples in 1832, to Constantinople from 1832 to 1841, and to Vienna from 1846 to 1850. He had inherited his father’s title as a baron in 1806 and in 1839 was created a viscount. From J[ohn] M. MacPherson, Cartagena, Colombia. Encloses documents showing the existence there of “the yellow fever . . . in its worst form.” Refers to his letter of May 16, relative to “the propriety of certificates being signed by the Consuls,” and cites the certificate, given by local authorities to the vessel bearing this dispatch, declaring, contrary to fact, “this place to be in a healthy state.” LS. DNA, RG59, Cons. Disp., Cartagena, Colombia, vol. 1 (M-T192, R1). Received July 16. From J[oel] R. Poinsett, Mexico, no. 47. Acknowledges receipt of Clay’s letter of March 28; explains the delay in obtaining a settlement of the claim of Jerhro Mitchell, for which he expects to receive payment “soon after the meeting of the next Congress”; and notes that he will also present “a similar claim on the part of Mr. Peter Harmony of New York.” Urges “the appointment of a fit person as Consul of the United States at Campeche,” where Espada’s “conduct [is] indiscreet and injurious to our interests . . . .” Reports “every prospect of soon concluding the Treaty.” LS. DNA, RG59, Dip. Disp., Mexico, vol. 1 (M97, R2). Received July 18. Espada not further identified. Cf. below, Clay to Southard, November 17, 1826, note.

MISCELLANEOUS LETTERS

June 17, 1826

To [Jonathan Thompson, James H. McCulloch, and Brazure W. Pryor,] the Collectors of New York, Baltimore, and Norfolk, “Circular.” Requests data
"to judge of the probable annual expenditures for the relief of destitute and distressed American Seamen in the Island of Bermuda." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 335 (M40, R19). Cf. above, Clay to Higinbotham, April 3, 1826; Higinbotham to Clay, June 1, 1826. Pryor, captain of a volunteer company in the War of 1812, had been appointed collector of customs at Norfolk, in December, 1825, and held the office until January, 1828.

From Alfred Kelley, Cleveland. Asks Clay, at the request of Horton Howard, receiver of the Delaware, Ohio, land office, to use his influence to prevent the removal of the office to Tiffin; asserts that, if it be moved, Sandusky would be a more suitable site. ALS. DNA, RG59, Misc. Letters (M179, R64). Born in Connecticut, reared and educated at law in northern New York, Kelley had removed in 1810 to Cleveland, where he had been the first active lawyer. He had been county prosecuting attorney from 1811 to 1821 and, intermittently from 1814 to 1822, a member of the Ohio House of Representatives. In 1844 and 1857 he was elected to the State Senate. He became one of the commissioners of the Ohio canals and, accordingly, changed his residence to Akron and later to Columbus. During the 1840's he was active in promoting railway construction in Ohio.

Howard, a resident of Ohio, had been appointed receiver for the land office at Piqua, Ohio, in 1820 and transferred to Delaware in 1824. He was reappointed to the Delaware office by President Adams in 1828 but removed by Andrew Jackson in 1830. The land office was shifted from Delaware to Tiffin in 1828, after Howard's reappointment.

In the absence of the Secretary, Daniel Brent on June 29 informed Kelley that his letter had been "referred . . . to the Commissioner of the General Land Office . . ." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 341 (M40, R19).

From Christopher Van de Venter, "Department of War." Transmits "a Statement Shewing the Several purchases of real estate made by the United States for Military purposes in the State of New York Since the 4th. of July 1776" prepared in conformity with" Clay's request, for the purpose of allowing him "to furnish Mr. [Azariah]. C. Flagg Secretary of State of New York with the information asked of him by Mr. B. F. Bueler in his letter of the 1st instant. . . ." Copy. DNA, RG107, Military Books, vol. 12, p. 226. The documents mentioned in this letter have not been found.

Benjamin Franklin Butler, born in New York and in 1817 admitted to the bar, had been for four years a partner in the office of Martin Van Buren and from 1821 to 1824 district attorney of Albany County. He became a member of the New York Legislature from 1827 to 1833, Attorney General of the United States from 1833 to 1837, Secretary of War from 1836 to 1837, and United States attorney for the Southern District of New York from 1838 to 1841 and from 1845 to 1848.

To [Peter] Force

To Mr. Force 18h. June. [1826]

I think the piece signed W in the inclosed paper, taken from the Greensburgh Gazette, worthy of a place in your Journal. I know not who is its author, but there is a vein of good humor running through it that will recommend it to attention. H.C.
The item, originally published in the Greensburg Gazette (Pennsylvania), appeared in the Washington Daily National Journal, June 21, 1826. In two and a third columns, “W.” reviewed partisan issues, especially the charge of “corruption and bargaining,” and, stressing the similarity of Adams’ and Clay’s objectives, commented: “If we add to this Mr. Clay’s prejudice against a military and popular chieftain, as dangerous in the chief-magistracy of a free government, and some little doubt of the General’s knowledge in civil affairs, while he knew well, and had ample evidence of Mr. Adams’s profound knowledge in government, and all its details, we have a satisfactory account of Mr. Clay’s preference without resorting to the suspicion of his basely bartering his vote and influence.”

To Francis P. Blair

My Dear Sir: Washington 19th, June 1826

Intending in a few days to commence a journey to Kentucky, where I hope to meet you and other friends, it is time that I should make my peace with you, for having so long neglected to acknowledge the receipt of your last obliging favor, which was under date the 30 of January last. I have a thousand apologies to make; but I hope you will be content with the assurance, most sincerely offered, that my silence is not to be attributed to an abatement, in the smallest degree, of my friendship for you. If that will not do, suspend your final judgment until you see me, and then hear before you strike.

I have been compelled, by the business of my most laborious office, to defer my journey until I am thrown into mid-summer, and of course I must expect heat and dust in unsparing quantities. But, animated by the desire of seeing my Kentucky friends, and cheered also by the hope of improving my health, which you know is never good, I shall encounter the fatigues of the journey with stout resolution, ever [sic] if we should have to go the whole distance by land, as is highly probable.

I have a thousand things to say to you, but having also a thousand things to do, preparatory to my departure, I must omit them until I see you in person. In the mean time I pray you to communicate my best regards to Mrs. Blair and believe me Faithfully & Cordially Your friend

H. Clay

F. P. Blair Esqr.

ALS. Owned by Thomas D. Clark, Lexington, Kentucky.

To Albert Gallatin

No. 1. Instructions General.
Albert Gallatin, appointed Envoy Extraordinary and Minister Plenipotentiary U. S. to Great Britain

Sir, Department of State; Washington, 19. June 1826.

I have the satisfaction to communicate to you that you have been appointed by the President, by and with the advice and consent of
the Senate, Envoy Extraordinary and Minister Plenipotentiary from
the United States to the United Kingdom of Great Britain and
Ireland; and to transmit you herewith your Commission, Full Power
and letter of Credence. Your predecessor, Mr. Rufus King, purposes
leaving London in the month of June, and on that account, as well
as on account of the important negotiations with which you are
to be solely charged, the President wishes you to lose no time
unnecessarily in proceeding to Great Britain. On your arrival
there, you will deliver a copy of your credential letter to the
Minister of Foreign Affairs, and on your presentation to the King,
you will communicate the original to His Majesty. On that occasion
you will express to him the earnest desire of the President to
maintain the amicable relations which happily subsist between
the two countries; that, on the part of this Government, nothing
will be omitted to preserve them in full vigour, and, if possible,
to add fresh strength to them; and it will give great satisfaction to
experience corresponding dispositions on the other side. You will
find among the papers now put in your possession, the personal
Instructions by which you will regulate your conduct. Mr. John
A. King, Secretary of the legation, to whom is allowed the option
of retaining that appointment, and who will have been left by Mr.
Rufus King in charge of our affairs, if he shall have taken his
departure before your arrival, will deliver over to you the records
and papers of the Mission.

In communicating the general instructions, by which you are
to be governed, the first subject to which I am to direct your
attention is that of the negotiation, opened by Mr. Rush on the
23d. day of January 1824, and which was suspended on the 22d. of
July of the same year, with an understanding between the parties
that it was to be renewed at some convenient early period. Owing
to circumstances beyond our control, it has not been resumed as
soon as the President had wished. Upon Mr. King's arrival last
summer in England, he found the members of the British Cabinet
dispersed over the Kingdom and on the Continent. His Britannic
Majesty was indisposed, as was Mr. Canning also. Mr. King has
laboured under ill health, during the greater part of the time of
his abode in England. It was not until the autumn that the British
Cabinet assembled at London; and the first object which engaged
Mr. King's attention was the state of the mixed Commission at
Washington, under the tripartite Convention of St. Petersburg.
He was for some time occupied by a correspondence and con-
ferences with Mr. Canning on that subject, until it was transferred
to this City. Moreover, the British Parliament had recently passed
laws affecting, in a most important extent, the trade of the British
Colonies, in our neighborhood, the interpretation and practical
operation of which it was desirable to test by some experience. These explanations of the causes of the delay which has arisen in the resumption of Mr. Rush's negotiation may be made, if you shall find them necessary, to the British Government. That of the United States has not been indifferent to the deep interests and to the harmony between the two countries which are involved in the negotiation. And it is satisfactory to reflect that no prejudice to either party is believed to have accrued from the lapse of time, which on the contrary, will have afforded to both a more ample opportunity of deliberately reviewing the past, and of entering again upon the negotiations under better lights, and with a spirit of mutual conciliation and concession, the best pledge for bringing them to a fortunate conclusion. We have received information that Mr. Huskisson, and Mr. Addington, formerly the British Chargé d'Affaires at Washington, have been named to conduct the negotiation, on the part of the British Government, which has intimated an expectation that, on our side, there would also be two Commissioners. In not conforming to that expectation no disrespect is intended to the British Government. It belongs to every nation to determine for itself what shall be the number, and to designate the particular individuals, to whom it chooses to commit the conduct of its foreign negotiations. Nor has the practice been uniform to employ the same number on each side. Great Britain does not, indeed, insist upon the appointment of two, as a matter of usage or of right. In appointing you alone, this Government is influenced by the confidence which it reposes in you, and by considerations of economy and expediency. Relying much upon your thorough knowledge of the whole subject, improved as it has been by your great experience and long familiarity with most of the points embraced in the contemplated negotiation, it is not necessary to dwell on them with the same minuteness which would be required, if one less acquainted with them was charged with the conduct of the negotiation. I find myself greatly relieved too by the labours of my predecessor. Among the Archives of the legation, and also in the pamphlet confidentially printed by order of the Senate now handed you (see pages 3, 30, 40, 44, 46,) you will find a series of letters of instruction from him to Mr. Rush, which you will regard as forming your guide, so far as they remain unaltered in this or in subsequent instructions. The subjects of which those letters severally treat may be arranged under the two following general heads:

I. Such as relate to a season of war, between Great Britain and the United States, or between one of the two countries and a third power, the other remaining neutral. The duration of the
interests which the subjects of this class involve is limited to the
war, beginning and ending with it.

II. Such as have an interest pervading both a season of peace
and of war, and whose duration, therefore, is not restricted to the
continuance of either.

I. Under the first head may be comprehended

1st. The abolition of privateering.
2d. The principle free ships, free goods.
3. Impressment of Seamen.
4. The law of Blockade.
5. Contraband.
6. Confiscation of debts, or funds in public Stocks.
7. Exemption of persons engaged in trade, in the respective
countries, from molestation, in consequence of the existence of
a war between them. And
8. Other special provisions designed to define more precisely
the rights and duties of the neutral and belligerent, in given cases,
and generally to mitigate the rigours of war.

II. Under the second head are included:

1st. The fixation of the boundary line between the territories
of the United States and those of Great Britain, under the fifth
article of the treaty of Ghent.¹⁰
2. The establishment of a boundary between their territories
beyond the Rocky mountains, and on the North West Coast.¹¹
3. The navigation of the St. Lawrence from the territories
of the United States to the sea.¹²
4. The trade between the United States and the British
American Colonies.
5. The Newfoundland fishery, as secured to the United States
by the Convention of 1818,¹³ the right to their enjoyment of which
is controverted by France.¹⁴ And
6. Regulations for more effectually guarding against Piracy.

I. On the renewal of the negotiation, you will state to the British
Plenipotentiaries that, in respect to the subjects comprized [sic]
under the first head, the American Government yet feels, in their
unabated force, all those considerations derived from the spirit of
the times, the influence of the Christian Religion, and the favour-
able auspices of the present period of general peace, which induced
it to propose them, through Mr. Rush, for negotiation:¹⁵ and that
it would be happy if they could be satisfactorily arranged. But,
from the reception which, on that occasion, was given to them by
the British Government,¹⁶ that of the United States is discouraged
from making any new attempt at their adjustment; and that you
are, therefore, now instructed to decline bringing them forward.
Of those subjects, that of extending to private property, on the high seas, the same security and exemption from capture in time of war, as belong to it when on land; the impressment of seamen; and the settlement of certain conflicting belligerent and neutral pretensions, have a preeminent importance. In the first, all nations are deeply interested: for it cannot be doubted that, if Great Britain and the United States were to agree to the abolition of privateering, and no longer to consider private property on the high seas as lawful prize of war, their humane example would be generally followed, that wars would diminish, that when they unhappily occurred, their duration would be more limited, and a great private aggravation of their calamities would cease; and that a beneficent channel of the comforts and happiness of nations would remain unobstructed. The same example would have great influence on other nations in inducing them to concur in the general adoption of any fixed conventional principles, more certainly defining the respective rights and duties of belligerents and neutrals which the United States and Great Britain might stipulate. In regard to the impressment of seamen, the interest which it involves is peculiar to Great Britain and the United States. And I am directed by the President to instruct you to remind the British Commissioners of the earnest and persevering endeavours which have been employed by this Government to settle that controverted question for ever, in a manner satisfactory to both nations. They had [sic] been repeatedly exerted, in seasons of peace as well as of war, when the people of the United States were suffering and exasperated by the practice, and when they enjoyed a suspension from its exercise. Actuated by an anxious wish to preserve undisturbed the harmony of the two countries, and looking impartially to the interests and the prejudices of both, it had been proposed by this Government in the negotiations at Ghent (to go no further back) to exclude altogether from the merchant service of the United States subjects of Great Britain who should be subsequently naturalized by their Laws. The same proposal was renewed in the negotiations which terminated in the Convention of 1818; and Mr. Rush was again authorized to offer it in 1824. In making that proposal, the United States gave a signal testimony to their desire of accommodating Great Britain. According to their principles, the obligations of a naturalized Citizen to his primitive Sovereign are annulled, and he becomes bound only to his adopted Sovereign, by the act of naturalization. And, when the process of naturalization is once performed in the United States, the rights of the adopted Citizen, so far as foreign nations are concerned, are deemed and held to be, every where, on the ocean and on the land, the same as those of a native born Citizen. In the prospective exclusion from the
merchant service of British born subjects, naturalized in the United States, which was proposed, there was some sacrifice of the American principle to the opposite British doctrine, by the abridgment of the right of the naturalized Citizen to pursue, without disturbance, any vocation which he might elect. At the epoch of the Treaty of Ghent, there could have been but very few naturalized British subjects in the service of the United States, and had the proposal been then acceded to, there would at this day have been scarcely one remaining in it. How the proposal was received and rejected, at the three periods, which have been mentioned, ought to be fresh, and it is hoped will remain fixed, in the recollection of the British Government. When the proposal was last made by Mr. Rush, he offered to take up and arrange the question of Impressment, separated from the other maritime subjects, and the British Plenipotentiaries enquired if he had any new securities to propose, in behalf of his Government, against the employment of British subjects, in the merchant vessels of the United States. (See page 99 of the correspondence printed by order of the Senate.) That enquiry may be understood as implying an obligation, on the part of this Government, to provide that of Great Britain with securities against the employment, in our merchant service, of British subjects. We admit no such obligation. We deny the right, if it may be so called, of Impressment by Great Britain, when applied to us, in toto. We do not admit that they can lawfully impress their own subjects, even when they are unnaturalized by our laws, from on board our vessels at sea or in port. When they are once naturalized, having acquired the rights of American Citizens, we deny that they can be lawfully impressed, under British authority, any where, on land or at sea, in the British territorial jurisdiction or out of it. We contend that the British doctrine of impressment, as applied to the United States, has not the smallest countenance in the public law. If British subjects, not naturalized in the United States, engage in their merchant service, they are to be reclaimed, not by Great Britain taking justice in her own hands, but according to the established modes of intercourse between nations. We assert no right correlative [sic] with the British pretension. If American Citizens choose to abandon their country and engage in a foreign service, we set up no right forcibly to seize them on board of Foreign ships, and there to recall them to their native duty. We are at the same time not desirous to obtain the service of foreign seamen. Contented with the number, the gallantry and the enterprize of our own, if those of Foreign countries ever engage in our service, it is a favour sought for by them, and no particular accommodation but rather a prejudice to us; for in that case they take the place of native seamen, the supply of whom, if foreigners were excluded,
would always rise to and be regulated by the actual demand. In repeatedly making the proposal mutually to exclude, under certain limitations, from the marine service of each country, the Citizens of the other, the United States have been governed solely by the desire effectually to guard against the most irritating and unhappy cause of misunderstanding, which had heretofore existed between the two countries. The Government of the United States sincerely regrets the failure of their well meant endeavours to accomplish that interesting object. After all that has passed, it is due to themselves henceforward to abstain, and they will accordingly hereafter forbear, from offering the former or any new proposal on this subject. They would confidently repose on what they must continue firmly to believe their incontestible right of absolute and unqualified exemption from the practice, under the public law and under all the principles applicable to the case. You will communicate this resolution to the British Government, with an assurance that it has not been made in any spirit of reproach as to the past, or menace for the future. The Government of the United States will, nevertheless, hereafter, at all times, be ready to receive and consider, with the same earnest desire, and in the same anxious dispositions, by which they have been invariably guided, to reconcile, if possible, the views of the two Governments, any proposals which the British Government may think proper to bring forward, for the satisfactory arrangement of this interesting subject. Although the discouraging reception given by the British Government to the offer of Mr. Rush to treat of the Maritime questions induces the President to think it unnecessary that you should be now instructed again to present them, you are, notwithstanding, authorized, if the British Plenipotentiaries should wish to introduce them into the negotiation, to agree to all or any of the articles, a draft of which accompanied the letter of instruction to Mr. Rush, under date the 28 July 1823. (See page 46 of the pamphlet.)

II. 1st. It is hoped that the subjects comprised in the second general division will come up under more favourable auspices. The first of these, to which your attention will now be called, is that of the ascertainment and fixation of the Boundary line between the territories of the United States and Great Britain, under the fifth article of the Treaty of Ghent. None of the considerations stated in the instructions from this Department to Mr. Rush, under date the 25th. June 1823 (see page 30 of the pamphlet) which recommended to the Government of the United States an attempt to settle the differences on that matter, by direct negotiation, at Washington, have since lost any part of their force. On the contrary, a review of them has given strength to the conviction
of the great, if not insuperable, difficulties which lie in the way of
a settlement of the question in the mode stipulated in that article.
You will, therefore, again press all those considerations, and repeat
the proposal made by Mr. Rush, to which you may agree to add
the clause, suggested by the British Plenipotentiaries, that, in the
event of a failure of the parties themselves, to arrange the boundary,
by direct negotiation, the provisions of the fifth article for its ad-
justment, by arbitration, shall revive and be in full force. Should
the British Government decline acceding to the proposal thus
modified, you are then to offer to refer the dispute to arbitration,
according to the terms of that article. And the Emperor of Russia
may be designated by you as the Sovereign Arbitrator. The objection
which was suggested to him by Mr. Stratford Canning, when he
was formerly named, that is, that one reference to his umpirage
was then pending, no longer exists. The demise of the late
Emperor diminishes the repugnance which otherwise would have
been felt in again trespassing on the time of the Head of the
Government of Russia, with the consideration of a complicated
question, in which he has not a particle of interest. A strong
repugnance is indeed felt in the resort to any Sovereign for such
a troublesome purpose, but if the other alternative cannot be agreed
upon, the reference is unavoidable. If the British Government
should desire some other name to be substituted to that of the
Emperor Nicholas, you may propose the Republic of Colombia;
and if that be objected to, you may successively propose the King
of Prussia, the King of France, the King of Wirtemberg [sic], or
the Duke of Saxe Weimar, in the order in which they are here
ominated.

In the contingency of a reference of the dispute to arbitration,
it will become necessary to consider what measures ought to be
adopted by the parties, in concert, to present the subject to the
Arbitrator in such a condensed form as will relieve him from as
much trouble as possible. A statement of the case, agreed to and
exhibited by both parties, would seem to be highly convenient, if
not indispensable. When the necessity of such a statement was
suggested by Mr. Rush, the British Plenipotentiaries remarked that
it did not strike them as being required by the fifth article of the
Treaty of Ghent; and it is certain that it is not mentioned expressly
in the terms of that article, but it is, at the same time, not forbidden
by them. It is probable that the negotiators of that treaty did not
anticipate such an absolute disagreement, on every point, as has
occurred between the Commissioners. They might have indulged
the reasonable supposition that if they could not agree on facts,
they would be at least able to concur in the evidence, from which
they were to be extracted, or in some mode of procuring it. Hence
they may have failed to provide expressly for the extraordinary collisions which have arisen in the progress of the execution of the Commission. Whether a statement of the case, however, is or is not within the terms or spirit of the fifth article, its utility must be quite apparent, not merely as an instrument of great convenience, but as an act of courtesy towards the Arbitrator; and it is obvious that it is within the competency of the parties themselves to arrange and agree to such a statement. You will, therefore, renew to the British Government the proposal to prepare, on their part, such a brief as they conceive is called for by the circumstances of the case. If they should undertake to prepare it, you will ask to be furnished with a copy of it for transmission to this Department, where it will be examined and agreed to, or the alterations pointed out which may appear to be necessary. But if they should object to a statement of the case, and insist upon a reference of the differences in the condition in which the two Commissioners have, respectively, reported to their Governments, we have no alternative but to consent to it, and you will accordingly agree to it. In that event, all the maps, documents and papers, which have been collected and reported by either of them, must be laid before the Arbitrator, who will be left to grope his way, as well as he can, through the labyrinths in which he will find himself, with such observations as either party may think proper to make. Or, if concurring in the propriety of an agreed statement of the case, the British Government should insist that the preparation of it should be undertaken by us, and afterwards submitted to their inspection for amendment, you will acquiesce in their desire, agree to the reference, and inform them that the statement shall be accordingly prepared and exhibited to them in due season.

2. The establishment of a boundary between the territories of the two parties, beyond the Rocky mountains, and on the North West coast of America.

It is not thought necessary to add much to the argument advanced on this point in the instructions given to Mr. Rush,25 (a copy of which is herewith communicated) and that which was employed by him, in the course of his negotiation, to support our title as derived from prior discovery and settlement at the mouth of the Columbia,26 and from the treaty with Spain, concluded on the 22d February 1819.27 That argument is believed to have conclusively established our title, on both grounds. Nor is it conceived that Great Britain has, or can make out, even a colourable title to any portion of the North West Coast. If she had any claim, prior to the treaty of 1763, it was renounced by that treaty, according to which the Mississippi was fixed as the Western limit of her territories on this Continent.28 If she acquired any title, subsequent to that epoch.
we have yet to learn how and by what means it was obtained. The settlement at Nootka Sound in 1788 cannot be admitted to have conferred any; but if it did, that settlement was North of the line to which we are now willing to agree. By the renunciation and transfer contained in the treaty with Spain of 1819, our right extended to the 60th. degree of North latitude. By our treaty with Russia of April 1824, it has been agreed to limit it to the 54th. degree. By agreeing to our proposal, to adopt the parallel of 49, which is conceived in a genuine spirit of concession and conciliation, and under the operation of the Russian treaty, Great Britain will acquire, what she had not before, or, at least, what was open to much controversy, a clear title to an extent of five degrees of latitude fronting on the Pacific, which is but little short of that which will appertain to the United States. It was stated by the British Plenipotentiaries to Mr. Rush, that the surrender to the United States of the post at the mouth of Columbia river was in fulfilment of the stipulations of the first article of the treaty of Ghent, without affecting questions of right on either side. It is most true that the restoration was in conformity to that article, but there is nothing in the terms of the article, which implies any reservation of right on the part of Great Britain. And does not the stipulation itself, in virtue of which she was bound to restore it, demonstrate that at the date of that treaty, she had no pretensions to the mouth of Columbia? If she then had any claim, would she have contracted to restore the possession unconditionally, and without even the formality of a reservation of her right? The course which was adopted in regard to another territorial possession, claimed by both parties, was very different. She had reduced by her arms Moose island, in the bay of Passamaquoddy, as well as the post at Columbia. She refused to restore Moose island on the ground of the title which she set up to it, as being included within the limits of Nova Scotia, and the respective titles of both parties were agreed to be referred to a board of Commissioners. Now if, with respect to two possessions, taken by her arms during the war, she agreed to restore one unconditionally, and insisted upon retaining the occupancy of the other, as belonging to her, is not the inference irresistible, that her present claim to that which was so restored, did not then exist, but has been subsequently gotten up?

It is true that the third article of the Convention of 1818 recognizes that Great Britain then had claims on the North West Coast, but it neither defines nor settles them, nor specifies when they had their origin. The same article contains an express declaration that it is not to affect the claims of any other power. Now it having been shewn that the title of Spain extended to the 60th. degree of North latitude, that must have been one of those which were
particularly in the contemplation of the parties to the above Convention of 1818. And we have already seen that, subsequently to that period, the United States acquired from Spain all her territorial rights on the North West Coast, North of the parallel of 42 as far as they extended, and consequently up to 60. As by the Convention of 1818 the 49th parallel of North latitude has been agreed to be the line of boundary between the territories of the United States and Great Britain, East of the Stony mountains, there would seem to arise, from that stipulation a strong consideration for the extension of the line along the same parallel, West of them, to the Pacific ocean. In bringing themselves to consent to this boundary, the Government of the United States feel that they are animated by a spirit of concession and compromise, which they persuade themselves that of Great Britain cannot but recognize, and ought not to hesitate in reciprocating. You are then authorized to propose the annulment of the third article of the Convention of 1818, and the extension of the line on the parallel of 49 from the Eastern side of the Stony mountains, where it now terminates, to the Pacific ocean, as the permanent boundary between the territories of the two powers in that quarter. This is our ultimatum, and you may so announce it. We can consent to no other line, more favourable to Great Britain. You are authorized further to agree that, if the above line shall pass any of the branches of the Columbia river, which are navigable from where it intersects them to the ocean, British subjects shall not be disturbed in the right freely to navigate such branches and the Columbia itself to the ocean, in common with the Citizens of the United States; that, in the mean time, until the line is actually traced and marked out, this right of navigation shall be so enjoyed in common; that the contracting parties will adopt measures, in concert, to have the line marked within the next ensuing term of fifteen years; and that, if upon the experiment being made, the branches of the Columbia are not navigable by boats from where the line passes them to the Columbia, the British right to navigate them shall cease. If the British Plenipotentiaries should insist upon British subjects, who may have made any settlements or establishments South of 49, being allowed time for removal, you may agree to the term of five years for that purpose, making the stipulation reciprocal so as to comprehend American settlements or establishments, if there be any, North of that parallel. And you will further propose, as a regulation which is deemed by the Government of the United States to be material in preventing collisions, that the Citizens and subjects of the two parties shall, in trading with the natives, and in the pursuit of game and fur, be restricted to the sides of the line, agreed upon, of their respective Countries. It would be competent
for each Government, after the fixation of the line, by its separate legislation, to exclude foreigners, but it is better that notice of such exclusion to all persons concerned should be at once promulgated in the body of the treaty itself.

3. The navigation of the St. Lawrence from the territories of the United States to the Sea.

The Government of the United States have seen, with very great surprize [sic] and regret, the manner in which the assertion of this right of navigation, through Mr. Rush, during the former negotiation, was met and resisted by the British Plenipotentiaries. The President has respectfully and deliberately examined and considered the British paper which was delivered in by them, and which is annexed to the protocol of the 24th. conference. And he has been altogether unable to discern, in its reason or its authorities, any thing to impeach the right of the United States, or to justify the confidence with which the exclusive pretensions of Great Britain are brought forward and maintained. What is the right claimed by the United States? The North American lakes are among the largest inland seas known on the globe. They extend from about the 41st. to the 49th. degree of North latitude, stretch over sixteen degrees of longitude and thus present a surface altogether of upwards of eighty three thousand square miles. Eight States of this Union (three of them among the largest in it) and one Territory border on them. A population already exceeding two millions, and augmenting beyond all example, is directly and deeply interested in their navigation. They are entirely enclosed within the territories of the United States and Great Britain, and the right to their navigation, common to both, is guaranteed by the faith of treaties, and rests upon the still higher authority of the Law of Nature. These great Lakes are united by but one natural outlet to the Ocean, the navigation of which is common to all mankind. That outlet, along a considerable part of its course forms a common boundary between the territories of the United States and Great Britain, and to that extent the right of navigating it is enjoyed by both. The United States contend that they are invested with a right to pass from those Lakes, the uncontested privilege of navigating which they exercise, through that natural outlet, to the ocean, the right of navigating which, by all nations, none presumes to question. The right asserted, in other words, is, that their vessels shall be allowed, without molestation, to pursue their trackless way on the bosom of those vast waters, gathered together in no inconsiderable degree in their own territory, through that great channel of the St. Lawrence which nature itself has beneficiently supplied, to the Ocean in which they are finally deposited. They ask that the interests of the greater population, and the more
extensive and fertile country above, shall not be sacrificed, in an arbitrary exertion of power, to the jealousy and rivalry of a smaller population, inhabiting a more limited and less productive country below. The United States do not claim a right of entry into British ports, situated on the St. Lawrence, against British will, and to force their productions into the consumption of British subjects. They claim only the right of passing those ports and transporting their productions to foreign markets or to their own, open and willing to receive them; and, as incident and necessary to the enjoyment of that right, they claim the privileges of stoppage and transhipment at such places within the British jurisdiction, and under such reasonable and equitable regulations as may be prescribed or agreed upon.

Such is the right, the assertion of which shocked the sensibility of the British Plenipotentiaries. The impartial world will judge whether surprize most naturally belonged to the denial or to the assertion of the right.

If the St. Lawrence is regarded a strait, as it ought to be, connecting navigable seas, there would be less controversy. The principle, on which the right to navigate straits depends, is that they are accessorily to those seas which they unite, and the right of navigating which is not exclusive but common to all nations; the right to navigate the seas drawing after it that of passing the straits. Let that principle be applied to the present case. The United States and Great Britain have between them the exclusive right of navigating the Lakes. The St. Lawrence connects them with the ocean. The right to navigate both (the Lakes and the ocean) includes that of passing from the one to the other, through the natural link. Is it reasonable or just that one of the two coproprietors of the Lakes should altogether exclude his associate from the use of a common natural bounty necessary to the enjoyment of the full advantages of them? But if that vast mass of water, collected from a thousand tributary sources, in the immense reservoirs of the North American Lakes, and cast by them into the Atlantic ocean, through the channel of the St. Lawrence, is to be considered, in its transit through that great channel, as a river, the name which accident has conferred, and not a strait, the right of the United States to navigate it is believed to be, nevertheless, clearly and satisfactorily maintainable. In treating this subject, there is, throughout the whole of the British paper, a want of just discrimination between the right of passage, claimed by one nation, through the territories of another, on land, and that on navigable water. The distinction, it is true, is not always clearly adverted to in the writers on the public law, but it has a manifest existence. In the former case, the passage can hardly ever take place, especially if it be
of numerous bodies, without some detriment or inconvenience to the State or its Citizens, whose territory is traversed. If the country be in a forest state, there is a destruction of timber, if not of soil. If in a cultivated condition, the fields are trodden down and dilapidated, and the use of the roads more or less impairs them. In both, there is danger of collisions between the native and foreign Citizens. But a passage on land through the territories of another, whenever it is innocent, cannot be lawfully refused. It is to be granted by a neutral to a belligerent army, if no serious injury is likely to accrue to him. As the right of judging whether the passage be or be not innocent must abide somewhere, expediency suggests that it should be exercised by the Sovereign of the soil. But his judgment and decision must be regulated by reason and justice; and of course the passage cannot be rightfully refused upon grounds merely arbitrary. How stands the case of a passage on navigable water? In that no injury is done to timber or soil, to cultivation or to roads; no dangerous collisions between the inhabitants and the foreigners arise; not a trace is left by the passenger behind. In the passage of the St. Lawrence, for example, the vessel is wafted, on the same water which first floats it, from the territories of the United States to the Ocean. It is true, as is alleged in the British paper, that this water washes the quays of Montreal and Quebec, passes under the walls of a principal fortress and also through the finest settlements of Canada, and extends along a space of near six hundred miles within the dominions of His Britannic Majesty. But when the American vessel shall have arrived at the Ocean, to which she is supposed to be bound, she will have inflicted no injury upon those quays, the guns of the fortress will have been silent, those fine settlements of Canada and that space of six hundred miles not exactly, as is asserted, extending through the heart of a British Colony) will have remained unmolested. She will have left no traces of injury behind her; her voyage itself will not have made on the inhabitants the impression of a passing dream; and like the water on which she was borne, she will have sought her trackless and innocent course to the ocean, to reach which Great Britain would be as much justified in claiming a power to prevent the one as the other.

Nor ought the cases of rivers, which rise and debouche altogether within the territorial limits of the same nation, to be confounded with those which, having their sources and navigable portions of their bodies in States above, finally discharge themselves within the limits of other States below. In the former instance there is no basis on which a right in common can rest. The navigation of those rivers, ordinarily, can only be desired for purposes of commerce or intercourse with the nation to whose territories, in
their whole extent, they are confined. And as every nation, strictly, has a right to interdict all foreign commerce, and to exclude all foreigners from its territories, as is done, in a considerable degree, by China, it follows that every one has a right, generally, to prohibit an entry into such rivers, or the use of its artificial roads. This right of prohibition exists where the direct object of the visit of foreigners is social or commercial. The end being forbidden, the means necessary to its accomplishment may be rightfully withheld. But if an innocent passage is demanded, for purposes unconnected with the Commerce or Society of the State through which it is required, it cannot justly be denied. In the enjoyment of this right of passage, the use of the territories in which it is exerted is merely collateral. If it be for purposes of lawful war, the end carries the means; and the neutral cannot deny the passage without weighty considerations.

But the right of the inhabitants of the upper bank of a river to the use of its navigation, in its passage to the sea, through the territories of another Sovereign, stands upon other and stronger ground. If they were to bring forward the pretension to trade or open any other intercourse with the nation, inhabiting the banks below, against its consent, they would find no support or countenance in reason or in the law of nature. But it is inconceivable upon what just grounds a nation below can oppose the right of that above to pass, through a great natural highway, into the sea, that it may trade or hold intercourse with other nations by their consent. From the very nature of such a river, it must, in respect to its navigable uses, be considered as common to all the nations who inhabit its banks; as a free gift, flowing from the bounty of heaven, intended for all whose lots are cast upon its borders. And in this latter respect it is clearly distinguishable from canals and works of art, from the use of which, being erected at the expense of one, all others may be excluded. The right to prohibit the use of natural channels, deduced, in the British paper, from that of the exclusive nature of those of an artificial kind, would establish the power, if it were practicable, to forbid the enjoyment of the showers of rain which are equally dispensed by the author of all good, because the gardener may lawfully deny the employment of his watering vessels in the irrigation of any grounds but his own. The land may be divided through which a river passes, or which composes its bed, by artificial lines of demarkation; but the water itself is incapable of such a division. It is confluent and continuous. And that portion of the floating mass which is now in the territorial dominion of the lower nation, was yesterday under that of the nation above, and, contemning alike the authority of all, will tomorrow be in that ocean to which the presumptuous sway of no
one has as yet been lawfully extended. The incontestible right which one nation has to trade with others, by their consent, carries along with it that of using those navigable means, necessary to its enjoyment, which the bounty of nature has provided for all, in respect to seas, and, in regard to rivers, for the nations who inhabit them.

The British paper enquires if the American Government can mean to insist on a demand, involving such consequences as it describes, without being prepared to apply, by reciprocity, the principle on which the demand rests, in favour of Great Britain? The American Government has not contended, and does not mean to contend, for any principle, the benefit of which, in analogous circumstances, it would deny to Great Britain. Accordingly, with respect to that branch of the Columbia, which rises North of the parallel 49, (should that parallel be mutually agreed to as the boundary between the territories of the two powers) a case analogous to that of the St. Lawrence will be presented. And you have been herein before instructed, in the event of that branch being navigable within the British territory, to stipulate for the right of navigating the Columbia to the ocean, in behalf of British subjects. In regard to the Mississippi, (the example put by the British Plenipotentiaries) if further exploration of the country shall develope [sic] a connexion between that river and Upper Canada, similar to that which exists, between the United States and the St. Lawrence, the American Government, always faithful to principles, would be ready to apply to the Mississippi the doctrines which it now holds, in regard to its great Northern rival. It is not necessary to discuss all the extreme cases which may be fancifully suggested, such as a foreign claim to pass the isthmus of Darien to drive a trade between Europe and distant India, through two oceans; or that of passing through England to trade with France or other portions of the European continent. Examples of that kind belong to the species of sophistry which would subvert all principles by pushing their assumed consequences into the regions of extravagant supposition.

The British paper denies that the engagements of Paris in 1814 and at Vienna in the following year, between the powers of Europe, in respect to the navigation of rivers, give any countenance to the natural right asserted by this Government. It is difficult to conceive what other principle than that of a strong sense of the injustice of withholding from nations, whose territories are washed by rivers, the privilege of their navigation, dictated those engagements. The clause, cited in the paper under consideration, is not in the nature of an original grant, but appears to be founded on a preexisting (and which could be no other than a natural) right. "The powers whose States are separated or crossed by the same navigable river,
engage to regulate, by common consent, all that regards its navigation." The regulation is not of the right, but of the use of the right of navigation. And if the consent of the local Sovereign is necessary to give validity to the regulation, so is that of the Sovereign above or below, whose territories are crossed by the same river. And it is not stipulated that their use of the right of navigation was to remain in abeyance until the manner of its enjoyment was regulated by the consent of all the interested powers. On the contrary, it cannot be doubted that it was the understanding of the great powers at Vienna that all the States, concerned in the navigation of the Rhine and the other enumerated rivers, were to be forthwith let into the enjoyment of the navigation of them, whether it was previously regulated or not by common consent. Without such an understanding, it is manifest that any one of the States, by withholding its assent to proposed regulations, upon real or ostensible grounds of objection, might indefinitely postpone, if not altogether defeat, the exercise of the recognized right. The fact of subjecting the use of a right to treaty regulations as was proposed at Vienna to be done with the navigation of the European rivers, and as was also done in the case of the Danube and other instances cited, does not prove that the origin of the right is conventional and not natural. It often happens to be highly convenient, if not sometimes indispensable, to guard against collisions and controversies, by prescribing certain rules for the use of a natural right. The law of nature, though sufficiently intelligible in its great outlines and general purposes, does not always reach every minute detail which is called for by the complicated varieties and wants of modern navigation and commerce. And hence the right of navigating the ocean itself, in many instances, principally incident to a state of war, is subjected, by innumerable treaties, to various regulations. These regulations—the transactions at Vienna, relative to the navigation of the European rivers, and other analogous stipulations, should be regarded only as the spontaneous homage of man to the superior wisdom of the paramount Lawgiver of the Universe, by delivering his great works from the artificial shackles and selfish contrivances to which they have been arbitrarily and unjustly subjected.

The force of the example, in the definitive treaty of peace of 1783, between Great Britain and the United States, by which they stipulated that the navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to both parties, is not weakened by any observations in the British paper. A stronger case need not be presented of the admission of the principle that a State, whose territories are washed by a river, cannot be justly excluded from its navigation to the ocean by an intervening power. Spain held the entire right bank of the Mis-
sissippi from its source to the ocean, and the left bank from the
ocean up to the 31st. degree of North latitude, from which point
to its source the residue of the left bank, it was supposed, belonged
to the United States and Great Britain in severalty. Spain, with
respect to the mouth of the Mississippi, thus stood in 1783 in the
same relation to the United States and to Great Britain, as Great
Britain now does, in regard to the mouth of the St. Lawrence, to
the United States. What was the law of that position of Spain, as
solemnly declared by both the present contending parties? It was,
that the navigation of the river Mississippi, from its source to the
ocean, shall for ever remain free and open to them both. If
Great Britain by the success of the war, terminated in the treaty
of 1763, was enabled to extort from France a concession of the free
navigation of the Mississippi, as is asserted in the British argument,
had condition was not the same in 1783. Yet amidst all her
reverses, without consulting Spain, she did not scruple to contract
with the United States for their reciprocal freedom of navigating
the Mississippi, from its source to the ocean, through Spanish
territory, and passing the finest settlements and the largest City of
Louisiana as well as all the Spanish fortresses of the lower Mis-
sissippi. Is Great Britain prepared to promulgate a law for Spain,
to which she will not herself submit, in analogous circumstances?

It is not thought to be necessary further to extend observations
on the British paper, upon which I have been commenting. If
others in the course of your negotiation, should be required, they
will readily present themselves to you. It is more agreeable to turn
from a protracted discussion, which, although we are entirely
confident of having the right on our side, if we are to judge from
the past, may terminate by leaving each party in possession of the
same opinion which he entertained at its commencement, to the
consideration of some practical arrangement which, if possible,
shall reconcile the views of both. A river, it is manifest, may pass
through the territories of several powers, in such manner as that
if each were to interdict the others its navigable use, within his
particular jurisdiction, every one of them might be deprived of all
the advantages of which it could be susceptible. And if the
United States were disposed to exert, within their jurisdiction, a
power over the St. Lawrence similar to that which is exercised
by Great Britain. British subjects could be made to experience the
same kind of inconvenience as that to which American Citizens
are now exposed. The best and, for descending navigation, the
only channel of the St. Lawrence, between Barnhart’s island and
the American shore, is within our limits. And every British boat
and raft, therefore, that descend the St. Lawrence comes
within the exclusive jurisdiction of the United States. The trade
of the upper province is, consequently, in our power; and a report to the Legislature of New York, under date 28 March 1825, (of which a copy is now put in your possession) concludes by recommending an application to Congress to exercise the power thus possessed by us, in retaliation for the act of the British Parliament of 5 August 1822, entitled "an act to regulate the trade of the provinces of Lower and Upper Canada."46 If the recommendation of that report were not adopted by the General Assembly of New York, and if Congress has hitherto forborne to place Canadian navigation under any restrictions, in their transit through our territory, it has been because of an unwillingness to follow an unfriendly example, and from a hope that mutual and candid explanations, with Great Britain, might remove all existing causes of hardship and complaint. Prior to the passage of the British Act of Parliament of 1822, and from the first settlement of the territory of the United States bordering on the Lakes and the St. Lawrence, their Citizens had met with no difficulty, in the disposal of the surplus produce of their industry, consisting chiefly of pot and pearl ashes, lumber, salted provisions, and flour at the markets of Montreal and Quebec. It was there sold, not for domestic consumption, but for subsequent exportation by sea to distant markets, principally British West India Colonies. This trade was reciprocally beneficial; the American Citizen finding his advantage in a ready sale of his produce, the British subject his, in the commissions, storing and other incidental transactions, and British navigation enjoying the exclusive benefit of re-transporting the produce to its final destination. This trade had increased to such an extent that the single article of Lumber, transported down the St. Lawrence in the year 1821, amounted in value to $650,000, without bringing into the estimate the portion of that article which found its way through Lake Champlain and the Sorrel47 to Montreal and Quebec. This beneficial and innocent trade, so far as it dealt in the principal articles of flour and lumber, was almost entirely destroyed by the duties imposed in the Act of Parliament of August 1822, which in effect, if not in form, are prohibitory.

Should not the mutual interests of the two countries, in respect to this trade, independent of any considerations of right in the navigation of the St. Lawrence, produce an arrangement satisfactory to both parties? It is a little remarkable that the opposition to such an arrangement proceeds from the party having the greatest interest in making it. That of the United States, as has been already stated, is simply to sell a surplus produce of labour. The place of its consumption is the West Indies. If it can be disposed of short of that place, at Montreal or Quebec, the Citizens of the United States would be content. But if they cannot sell it in those Cities;
if Great Britain, by the imposition of duties which it will not bear, prevent a sale, they then desire to exercise the privilege of passing out the St. Lawrence and seeking a market wherever they can find it. Some portion of the produce, which would take that natural direction, is now transported through the great Canal which unites the Hudson and Lake Erie. When the canal, designed to connect the great canal with the St. Lawrence at or near Oswego, which is in considerable progress, shall be completed, other portions of American produce will seek the market of the City of New York, instead of that of the Canadian Capitals. If another canal, which is projected, shall ever be cut, that which is proposed to unite the St. Lawrence to Lake Champlain, the interest of this country in the navigation of the St. Lawrence will be still further diminished. Contrast this state of our interest in the trade in question with that of Great Britain. It will not be denied that the two British Cities of Montreal and Quebec would be much benefited by the prosecution of the trade. The British tonnage enjoys, and, if the navigation of the St. Lawrence were freely thrown open to us, would probably continue to enjoy, the monopoly of the exportation of our produce, either as British or American property, to foreign possessions. That produce serves to swell the list of articles of general commerce, in which Great Britain, more than any other nation, is concerned, and ministers directly to the wants of British Colonies. If it enters somewhat into competition with similar produce of Canadian origin, that consideration should be neutralized by the fact that the British West Indies Colonist enjoys the benefit of the competition. For it cannot be supposed to be a part of British policy, to shut up the American supply, that one British Colonist may thereby sell to another British Colonist at a price somewhat higher than he otherwise could do, without the remotest prospect of its reduction, from any length of time that the exclusion and the monopoly might exist. Without extending the comparison further, it must be evident that Great Britain is more, or at least as much, interested in the trade as we are. Our loss is not that of the entire value of the articles which are prevented from reaching a market, under the operation of the British laws, but of the difference only in value, if there be any, between those articles, and the substitutes on which our labour exerts itself, in consequence of the existence of that impediment.

With this view of the matter, I have prepared two articles, which accompany these instructions, under the designation of A and B, and which may be successively proposed by you, during the progress of the negotiation. By the first, the navigation of the St. Lawrence, up and down, from and to the ocean, is declared to belong to the Citizens of the United States; and the ports of
Montreal and Quebec are open to the importation and disposal of their lumber, pot and pearl ashes, flour and salted provisions, brought from the Lake and St. Lawrence country. The privilege is limited to these articles because they are all, produced in that quarter, which it is important should have that vent, and which, not being supposed to be wanted in those cities for the consumption of either Canada, are subsequently exported from those places of entrepôt to foreign countries. From that cause it would be unreasonable that they should be liable to pay any higher or other duties than similar articles of Canadian origin. There is another reason for the limitation; we could not insist upon a general and indiscriminate admission into those ports of all produce and manufactures of the United States free of duty without being prepared to allow, as the equivalent, an admission into our Northern territories of all British produce and manufactures, on the same terms. But such an admission of British produce and manufactures, if not unconstitutional, would be very unequal as it respects the Lake country and other parts of the United States. The first article also provides for a right of deposit at Montreal and Quebec or such other place as the British Government may designate. Possibly the British Government may require a reciprocal privilege of introducing from the Canadas into the United States, free from duty, and there disposing of Canadian lumber, pot and pearl ashes, flour and salted provisions. Such a privilege would be of essential benefit to the Upper provinces, in opening to it, through the canals of the State of New York, the market of the City of New York. Should such a stipulation be required, you may agree to it, with a provision that the inhabitants of Canada shall be subject to the payment of the same tolls, ferriages and other charges in all respects, as Citizens of the United States, from time to time, are or shall be liable to pay. You may also agree to add furs and peltries to the list of articles which each party may introduce into the territories of the other, free from duty. This would be a stipulation very advantageous to Great Britain in opening a shorter and better route to the ocean for those articles than that through the St. Lawrence.

By the second article, our right of navigation and to a place of deposit, simply, is stipulated, without the privilege of introducing into the Canadas any articles whatever of American produce. Both articles secure to British subjects the right freely to navigate the St. Lawrence, where the channel is within our exclusive jurisdiction. The first would secure all that we can ask; the second, the least that we can take.

We could not rightfully object to a refusal to allow sales of American produce free of duty within the British jurisdiction,
however unfriendly it would be. But in that case there ought to be no limitation of the articles of our export or import trade. On the supposition of such a refusal, the Canadas would be strictly Entrepôts and not places of consumption of the objects of our trade, in either of its directions; and, therefore, there should be no restriction as to what we should or should not export or import.

Between the maximum and the minimum which those two articles present there are several intervening modifications, of which I will now specify some that present themselves, and to which, if you cannot do better, you are authorized to agree:

1st. It may be proposed to limit the right of deposit to Quebec.

2. The sale of our produce may be limited to the port of Quebec.

And 3. The list may be increased of the articles which we may be allowed to sell at either or both of those Cities, free of duty, so as to include all or other articles of the growth, produce, or manufactures of the United States, with the permission to import into the United States similar produce of Canadian origin but without any corresponding privilege of introducing into them British European or other foreign manufactures.

If you should find the British Government unwilling to agree to either of the two preceding articles, with or without the modifications, or some of them, above mentioned, you will decline entering into any arrangement upon the subject of the navigation of the St. Lawrence; and take any counter proposals which they may offer, for reference to your Government. Neither the third article of the treaty of 1794, nor that which was proposed by either party at the negotiation of the Convention of 1815, nor that which was offered by Lord Castlereagh in March 1817, would serve as a proper basis to regulate the right which we claim to the navigation of the St. Lawrence. Without adverting to any other, decisive objections to the third article of the treaty of 1794 are, that it comprehended the Indians, on both sides of the boundary between the territories of the United States and Great Britain; and left Great Britain at full liberty to impose whatever duties her policy might dictate upon our produce entering the Canadian ports. The act of Parliament of August 1822 would not be contrary to the stipulations of that article. The latter objection equally applies to both the American and British projects of an article which were proposed, but neither of which was agreed to, in the negotiation of 1815, as well as to that of Lord Castlereagh. Nor would the United States find any protection against the exercise of the power of imposing duties, by agreeing to the ordinary stipulation in Commercial treaties, restricting the duties imposed to the rate at which similar articles are liable when imported from other countries.
Because, in point of fact, no articles similar to those which are imported from our Northern territory into Canada is [sic] introduced there from any foreign country. No foreign country stands in a similar relation to Canada that the Northern parts of the United States do. And Great Britain would not, therefore, be restrained from imposing duties upon our produce, which should even be prohibitory in their effect, by their operation upon similar produce of other countries.

Whilst Great Britain may be unwilling to enter into any treaty stipulations acknowledging our right to the navigation of the St. Lawrence, she may not be indisposed to consent, by her own voluntary act, to repeal all prohibitory and other duties imposed on American produce, so as to admit it into the ports of Montreal and Quebec on the same terms as the same kind of produce is received from Upper Canada. Such an equal admission of our produce would, in a great measure, supersede the necessity of discussing and settling, at this time, our right to the navigation of the St. Lawrence; and of considering the regulations which the interests of both parties might require, in the practical exercise of the right. Our Citizens would enjoy, in those Cities, a ready and certain market for their produce, to obtain which would be the primary object of securing to them the navigation of the St. Lawrence. It is because we cannot demand such an admission and privilege of selling our produce, as a matter of right, and because Great Britain may decline the concession of it, although manifestly beneficial to herself, that we desire to have this interest placed upon some solid and permanent foundation. But, if you should be unable to obtain the British assent to either of the articles proposed, with or without any of the modifications of them which have been suggested, it would then be satisfactory to have the assurance of the British Government that our produce, or, at least, the principal articles of it which have been mentioned, shall be received at Montreal and Quebec on the same terms as the like kinds of Canadian produce are there received. And you may, in turn, assure the British Government that the President will recommend to Congress to reciprocate any British acts of liberality and good neighbourhood, in regard to the admission and sale of American produce in the Canadas, by acts of equal liberality and good neighbourhood on our side, in respect to the admission and sale of Canadian produce in the United States. It is within the competency of the mutual legislation of the two countries to remove many of the existing causes of complaint, without either party conceding or renouncing rights, which there might be an unwillingness to admit or surrender.

By an act of the British Parliament passed on the 5th. July 1825,
entitled "an act to regulate the trade of the British possessions abroad," inland importation is allowed into the Canadas from the United States in vessels, boats, or carriages belonging to them, of any goods which might be lawfully imported by sea; but such goods must be brought to a port or place of entry, and are to pay the same duties as if they were imported by sea. They may be warehoused at Quebec only, for exportation, without paying duty, under certain restrictions; but then the Collectors and Comptrollers of the port are empowered to declare in a written notice, to be by them promulgated, "what sorts of goods may be so warehoused." (See 28, 29, 30, 31, 32, 33, 34, Sections &c of the Act.) Under this authority, it would be competent to those officers to exclude, at their pleasure, from the privilege of warehousing, our most valuable productions. If by British legislation, (on the supposition that you cannot prevail on the British Government to regulate by compact the navigation of the St. Lawrence, in the manner which has been herein proposed) the privilege of warehousing our produce was placed on a more stable footing, and we were allowed to export it in our own vessels, it would be a considerable improvement of the existing state of things.

During the negotiation between Mr. Rush and the British Plenipotentiaries, a desire was manifested by the latter to couple together the disputed points, under the fifth article of the treaty of Ghent, and the right asserted by the United States to the free navigation of the St. Lawrence; and, on the supposition of those two subjects being so blended, the British Plenipotentiaries stated that they were prepared to make offers of compromise and settlement, founded "on a most liberal and comprehensive view of the wishes and interests of the United States." (See pages from 80 to 86 of the pamphlet [sic], and protocols of the 17th. and 18th. conferences.) These offers were to be made on the basis of the United States waiving their right to the navigation of the St. Lawrence, which, however, Great Britain was willing to grant to them, on a full equivalent; and that equivalent, it is to be inferred, was expected by the British Plenipotentiaries to be furnished in the disputed territory to which the fifth article of the treaty of Ghent relates. What those offers were, they declined to communicate to Mr. Rush, although invited to do so, in order that he might transmit them to his Government. The Government of the United States cannot consent to renounce a right which they conceive belongs to them, by the highest species of title. If, as the British Government professes to believe, the right has no just foundation, why does it insist upon its renunciation? Nor can this Government agree to barter away any portion of the territorial sovereignty of Maine, or the proprietary rights of the Common-
wealth of Massachusetts, for the navigation of a river, in which neither of them has any direct interest. If the question of the navigation of the St. Lawrence could be accommodated in a manner satisfactory to both parties, so as to let the Citizens of the United States into the practical and beneficial enjoyment of it, their Government would be willing that the arrangement should be equally silent in regard to the admission on the one side, or the abandonment on the other, of the right as claimed and denied by the parties respectively. It is not easy to comprehend why the British Plenipotentiaries withheld the communication to Mr. Rush of the very liberal offers which, according to their account of them, they were charged to make. When they appeared disposed to yield to the separation of the two subjects, as urged by Mr. Rush, they still declined to make their proposal of compromise in respect to the North Eastern boundary. Under a belief that no prejudice can result to either party from a full communication and a fair consideration of those offers, in respect to either or both questions, you will invite a disclosure of them for reference home. It is obvious that no instructions, adapted to them, can be given until they are known, nor can we come under any preliminary obligation as the price of their communication. If they are ever intended by Great Britain to be brought forward, the sooner it is done the better, for the economy of time and the speedy settlement of the questions, should they prove acceptable to this Government. Had they been communicated to Mr Rush, the delay would have been avoided which must now take place, from your transmitting them to the United States and receiving from hence the necessary instructions, if the offers should be made known to you.

4. The trade between the United States and the British American Colonies.

You will recollect that the British Government declined treating, on this subject, in the negotiation which resulted in the Convention of 1815. That Convention left each party at liberty, by his separate acts, to regulate the trade, according to the view which he might entertain of his own interests and policy. Accordingly, the Government of each has since adopted various measures, which have so restricted and embarrassed the intercourse between the United States and the British Colonies, that it is almost impossible to comprehend them, and the Officers of the British Government have not concurred in the construction of the last act of the British Parliament in relation to the subject. This act has been differently interpreted both in the same British port, and in different British ports. A principal object of those measures has been, on the British side, to secure and perpetuate a monopoly of the navigation concerned in the trade, and, on ours, to obtain a fair and equal
participation of it, on terms of just reciprocity. The experience of both has been such, that it ought to inculcate, on their respective councils, moderation and liberality.

Mr. Rush submitted, in the progress of his negotiation, at the third conference (see page 133 of the pamphlet) two articles for the regulation of this trade, which were not accepted by the British Plenipotentiaries. These articles embraced three leading principles: 1st. that there should be a mutual abolition of all discriminating or alien duties, so as to place British and American vessels employed in the trade, and their cargoes, on a footing of perfect equality; 2ly. That the productions of the United States, admitted into a British Colony, should be subjected to no higher duties than similar productions of another British Colony. And, thirdly, that the trade should remain restricted as it then was by the acts of Congress and Parliament, according to which it was limited to a direct intercourse. The British Plenipotentiaries were willing to accede, in behalf of their Government, to the first and third but not to the second of those principles; and they brought forward, at the sixteenth Conference, a counter projet, consisting of six articles. (see page 142). On the 27th. day of June and the 5th. of July 1825, the British Government passed two acts, the first of which is entitled "An act for further regulating the trade of His Majesty's possessions in America and the West Indies, and for the warehousing of goods therein," and the second, "An act to regulate the trade of the British possessions abroad." According to these acts, the discrimination between Great Britain and her American Colonies, as being subject, in regard to Foreign nations, to different Commercial codes, is in some degree abolished; and they are incorporated, to a considerable extent, together, and their trade thrown open to Foreign nations. The legislation of Great Britain for her Colonies has been very complicated, and we may not have a just conception of the provisions of those two acts. But, if they are correctly understood here, they allow 1st. that whatever may be lawfully imported into those Colonies, in British vessels, may be also imported, in foreign vessels, into a specified number of ports called Free ports, at the same rate of duty for the vessel and cargo. 2ly. that the foreign vessel is restricted to a direct intercourse between the country to which it belongs and the British Colony, adhering, in this respect, to the old principle of her navigation laws. In some of their provisions, particularly in the imposition of duties on articles of American produce, which was before free, (Indian meal and Indian corn, for example,) these acts operate more prejudicially to us than the previous state of the British law. But, notwithstanding, on a full consideration of the whole subject, the President, anxious to give a strong proof to Great Britain of
the desire of the Government of the United States to arrange this long contested matter of the Colonial intercourse, in a manner mutually satisfactory, authorizes you to agree.

1st. That there shall be a reciprocal and entire abolition of all alien or discriminating duties upon the vessel or cargo, by whatever authority imposed, so as to place the vessels of the United States and those of Great Britain, whether colonial or British, concerned in the trade, upon a footing of perfect equality and reciprocity.

2ly. That the United States consent to wave [sic] the demand, which they have heretofore made, of the admission of their productions into British Colonies at the same, and no higher, rate of duty, as similar productions are chargeable with, when imported from one into another British Colony, with the exception of our produce descending the St. Lawrence and the Sorrel [sic]. It will not be necessary, however, to insert the general waiver in the Convention, but only to provide for the exception, if that should be agreed to as herein before mentioned.88 And

3ly. That the Government of the United States will not insist upon a participation in the direct trade between the United Kingdom of Great Britain and Ireland, and the British American Colonies. But they do expect and require that their vessels shall be allowed to trade between those Colonies and any foreign country with which British vessels are allowed to trade. In agreeing to leave Great Britain in the exclusive possession of the direct trade with her Colonies, the President is sensible that our navigation may be exposed to some disadvantage in its competition with the British. The latter may make double voyages, charged with mixed cargoes from the parent country, or from the United States,69 and the Colony. But the disadvantage would be so great as to render it impracticable that we could maintain any thing like a fair competition, if British vessels, at the pleasure of their owners, were, and ours were not, permitted to share in the trade between the British Colonies, foreign countries and the United States. Perhaps Great Britain may ask, if we trade between British Colonies and foreign countries, that British vessels should be allowed to export the produce of the United States to those countries, or to import foreign produce from them into these States. There would be some plausibility in such a demand, if it were confined to Colonial vessels, and if there could be devised any adequate security against fraudulent denominations of British European vessels, bestowed to qualify them to enjoy the privilege of trading between the United States and foreign countries, through British Colonies. It is evident that without such a limitation, efficaciously enforced, (which is believed to be altogether impracticable) there would be no equivalent, for a privilege to all British vessels, European and
Colonial, of sharing in our trade with all foreign countries, in the limited privilege to American vessels, of sharing the trade between those countries and British Colonies. Your discussions, on this subject, may take such a direction, as to present a favourable occasion for testing the extent to which the British Government is disposed to carry the modern liberal commercial doctrines, which it professes and has proclaimed to the world. With that view, and for settling at once all difficulties on the question, whether the vessels of the United States shall be permitted to engage in the trade between the British American Colonies and foreign countries, you are hereby authorized to propose, as a general regulation, applicable to the British dominions in Europe as well as in this Hemisphere, or wherever situated, that whatever can be lawfully imported into one country, in its own vessels, may be also imported into it, in the vessels of the other country, the vessel and the cargo paying, in both instances, the same and no higher or other duties. This will leave the capital and industry of the two nations, concerned in navigation, to a free competition, upon equal terms; and that is understood to be the policy which the British Government has recently announced. On this broad and extensive principle, a treaty with the Republic of the Centre of America was concluded on the 6th. of December last, and was subsequently ratified by the President, with the advice and consent of the Senate, it is believed, given unanimously. We have not yet heard of its ratification by the other party, and of course its promulgation at present would be premature, but a copy of it is now placed in your possession. A treaty with Denmark, embracing the same principle, under some modifications and limitations, was signed at Washington on the 26th. day of April of the present year, to the ratification of which the Senate has also consented and advised with equal unanimity. Sufficient time has not yet elapsed to receive the Danish ratification, but a copy of this treaty is also confided to you. If Great Britain will assent to neither principle; if she insist upon engrossing the whole trade, not only between her Colonies and her European dominions, but also between those Colonies and foreign countries, to the exclusion from both of the navigation of the United States, it will then be necessary to insert a clause in the Convention expressly reserving to each party the right, by existing or other laws, to restrict the trade between the United States and the British Colonies to the direct intercourse between them.

You will observe that the instructions, now given respecting the Colonial trade, amount to an authority, on the part of this Government, to you to agree in substance to the modification of Mr. Rush's proposal, which was required by the British Plenipotentiaries. You
will endeavour to make a lively impression on the British Government of the conciliatory spirit in that of the United States, which has dictated the present liberal offer; and of their expectation to meet, in the progress of your negotiations, with a corresponding friendly disposition. The object of this part of your instructions may be accomplished either by inserting the articles, respecting the colonial trade, in the general Convention for regulating the commerce between the two countries, which would be their most fit position, or in a separate Convention. Whether the two articles proposed by Mr. Rush, or the two first proposed by the British Plenipotentiaries, or others differently constructed, should be inserted in the Convention which you are empowered to conclude, will depend upon the footing on which you may ultimately agree, under your instructions, to place the Colonial trade. If you should not be likely to bring your negotiations, on the entire subject of the Commerce between the two countries, and their respective territories, to a conclusion in time to present the Convention, in which it is expected they will issue, to Congress during its next Session, it will be desirable, and you are, accordingly, directed to endeavour, to make a separate arrangement of the Colonial question, so as to enable the President at least to present that, before the adjournment. As to the duration of any general or particular Commercial Convention to which you may agree, it may be limited to a period of about ten years; to which it is advisable to add an article, similar to the eleventh article of our Danish treaty, stipulating that the Convention shall continue in force, beyond the particular period agreed upon, until one party notifies the other, in writing, of his desire to put an end to it.

Mr. Rush, along with the two articles which he submitted on the Colonial trade, presented to the British Plenipotentiaries a third, declaratory of our right to the free navigation of the St. Lawrence. They objected to the association of the two subjects; and the President will not now insist that you should persevere in connecting them. Perhaps they may urge our admission of the right of Great Britain to lay discriminating duties, in the ports of her West India Colonies, with the view to the protection of Canadian productions, as comprehending a concession of her right also to impose similar duties on our produce descending the St. Lawrence to Montreal and Quebec. But the cases are not analogous. In the former instance, our produce is received for consumption; in the latter, it is in transitu, destined to places other than the Canadas, for consumption. In the former instance, we are not constrained to go to the British West India market; we have the option to go to any other market open to us. In the latter, we must necessarily pass through the St. Lawrence to reach any
market whatever, native, British, or other. Our produce, so received in transitu, would pay, on its arrival at the British West Indies, if it went there, the duty levied on consumption. And if we were to pay the duty in the Canadian Cities also, we should be doubly taxed. Instead, therefore, of our admission of the right of Great Britain to tax American produce, in her West India Colonies, higher than rival Canadian produce, being taken as justifying our being taxed in the Canadas, the amicable disposition to reconcile our views to those of Great Britain, which that admission manifests, should lead to our total exemption from a duty, which is utterly incompatible with any just or liberal principles.

The British Plenipotentiaries proposed, in the third article of their Counter projet, "that, in case any of the existing enactments on either side regulating the navigation in this trade, shall, contrary to expectation, be found on further experience to operate partially, and in such manner as to give to the subjects or Citizens of the one party engaged therein, a clear and decided advantage, to the manifest prejudice of the subjects or Citizens of the other, in opposition to the intention above declared, each of the two Governments in such case, and according as the case may be, receive and examine the representations made to it thereon by the other, and, the complaints being fairly substantiated, shall lose no time in adopting such additional laws and regulations as may correct the grievances complained of, in conformity with the principle herein laid down." 73 To the reasonableness of the principle here laid down the Government of the United States assents; but it would be objectionable to throw it into the form of a stipulation in a treaty. Such a stipulation, on account of the vagueness of the obligation which it imports, and of the impossibility of ascertaining with perfect precision the facts on which one party would have a right to call upon the other for the fulfilment of that obligation, might lead to disagreeable collisions. The parties might never be able to agree about the existence or the causes of the alleged grievance, or the adequacy of the remedy, in the proposed additional laws and regulations, to remove it; and besides, therefore, the real evil, if one existed, there would be a further misunderstanding arising out of the bad faith imputed by the one side and denied by the other. Without any such stipulation, each Government will be open to receive, through the established channels of diplomatic intercourse, any complaints which the other may have to prefer, and, it is to be presumed, will be at all times ready, voluntarily, to apply the proper redress.

The fourth article of the Counter projet is also objectionable. It stipulates an engagement on the part of His Britannic Majesty "that whatever facility or advantage may hereafter be granted to
any friendly State, either in Europe or in America, with respect to any commerce, direct or circuitous, to be carried on between such State and His Majesty's Colonies in the West Indies or America, shall be, in like manner, granted to the Citizens of the United States; and the United States, on their part, engage that, under this contingency, the subjects of His Majesty shall enjoy whatever facilities or advantages may, at any time, be granted by them to the subjects or Citizens of the most favoured State, in any trade carried on between the possessions of that State in the West Indies or America, and the United States. 74 No matter how inconsiderable the facility or advantage may be which, being granted by Great Britain to any friendly State in Europe or America, would thereby accrue to the United States, they are to place Great Britain upon the footing of the most favoured State. There might not be the smallest equivalent in the facility or advantage which the United States would so derive, for the whole amount of Commercial concessions which they had made to the most favoured nation. Under that fourth article, if Great Britain were to grant some new facility or advantage, however limited, to a friendly State, the United States would be bound to extend to her vessels all the privileges which have been granted by the treaty before mentioned with the Central Republic, in other words, the right to introduce into the United States, in British vessels, all foreign produce importable in American vessels, on terms of perfect equality, without our enjoying a corresponding privilege in British ports.

The fifth article of the Counter projet relates to the admission of Consuls in the Colonial ports. The accrediting of Consuls being a necessary consequence of the existence of commercial relations ought to take place as a matter of free concession, if not of right, wherever they are sustained. The language of that article ought to be varied or so changed as to omit altogether the expressions "In consideration of the foregoing arrangements." 75 But if importance be attached to those expressions and a desire to retain them be manifested by the British Government, they may remain.

5. The French disturbance of our right in the Newfoundland Fishery, as secured by the Convention of 1818.

The British Plenipotentiaries were unwilling to consider, in treating with Mr. Rush, this as one of the subjects on which it might be proper to conclude any agreement. It was brought forward, on that occasion, by us rather in the way of a notification to Great Britain of our being likely to be molested in the enjoyment of a right derived from her, and with the view of obtaining her interposition, if subsequent events should make it necessary. As no actual disturbance of our Fishermen, by French cruizers [sic], has been communicated to this Department since 1821, notwithstanding
the menace of the French Minister of Marine, expressed to you, that France would forcibly exclude them, it is not deemed necessary, at present, to press the subject on the British Government. You will say this much to that Government, adding, however, that, if France should again manifest an intention, and attempt, to molest our Fishermen, we shall expect from Great Britain an effectual maintenance of the right which she has undertaken to convey.

And 6thly. Provisions against pirates.

Nothing is necessary to be added to the instruction given to Mr. Rush on this subject. (See page 54 of the printed pamphlet.) Although the frequency of the commission of that crime is happily much diminished since the date of that instruction, as it may again revive in the same quarter in which it then prevailed to such an aggravating extent, or may appear in others, you will propose the three articles which he was empowered to present.

Besides the preceding subjects which Mr. Rush either brought forward or intended, under his instructions, to propose for discussion and arrangement, if practicable, with the British Plenipotentiaries, they communicated, at their twenty second conference with him, the substance of nine articles which they offered for consideration. (See page 170.) It is my purpose now to make such observations as they appear to require.

1. The first is a proposal for "a mutual delivery of criminals, the subjects or Citizens of either party, taking refuge within the dominions of the other."

We have no objection to the principle of that article, provided persons guilty of such offences as partake of a political nature are excluded. The general cause of morality and justice will be sufficiently advanced with that limitation. The reason for the exception is to be found in the difference of the political institutions of the two countries, as well as in the nature of those offences and their punishments. If we are not mistaken, Great Britain, from the same cause, in treating with other foreign powers has, in some instances, declined stipulations for the mutual surrender of persons charged with political crimes. If any difficulty is experienced in reconciling the views of the two Governments on this subject, you may propose to limit the surrender to the cases of persons guilty of the crimes of murder and forgery, according to the twenty seventh article of the treaty of 1794.

If, in that respect, the President desires that the British proposal should be somewhat restricted, he is willing, on the other hand, to extend the provision to other descriptions of fugitives or deserters which that proposal does not embrace. You are accordingly authorized and instructed to propose a stipulation.

1st. For the mutual surrender of deserters from the military and
Persons who have been naturalized by the laws of either party must be excepted from the operation of the article. The sixth article of our Convention with France of 1822 would furnish suggestions for the preparation of an article on this subject.

And secondly. A mutual surrender of all persons held to service or labour under the laws of one party, who escape into the territories of the other. Our object in this stipulation is to provide for a growing evil which has produced some, and, if it be not shortly checked, is likely to produce much more, irritation. Persons of the above description escape principally from Virginia and Kentucky into Upper Canada, whither they are pursued by those who are lawfully entitled to their labour, and, as there is no existing regulation by which they can be surrendered, the attempt to recapture them leads to disagreeable collisions. In proportion as they are successful in their retreat to Canada, will the number of fugitives increase and the causes of collision multiply. They are generally the most worthless of their class, and far, therefore, from being an acquisition which the British Government can be anxious to make, the sooner, we should think, they are gotten rid of the better for Canada. It may be asked why, if they are so worthless, are we desirous of getting them back? The motive is to be found in the particular interest which those have who are entitled to their service, and the desire which is generally felt to prevent the example of the fugitives becoming contagious. If it be urged that Great Britain would make, in agreeing to the proposed stipulation, a concession without an equivalent, there being no corresponding class of persons, in her North American Continental dominions, you will reply,

1st. That there is a similar class in the British West Indies and, although the instances are not numerous, some have occurred of their escape or being brought, contrary to law, into the United States.

2ly. That Great Britain would probably obtain an advantage over us in the reciprocal restoration of military and maritime deserters, which would compensate any that we might secure over her in the practical operation of an article for the mutual delivery of fugitives from labour. And

3ly. At all events, the disposition to cultivate good neighbour- hood, which such an article would imply, could not fail to find a compensation in that or in some other way in the already immense and still increasing intercourse between the two countries. The States of Virginia and Kentucky are particularly anxious on this subject. The General Assembly of the latter has repeatedly invoked the interposition of the Government of the United States with

naval service and from the merchant service of the two countries.
Great Britain. You will, therefore, press the matter whilst there exists any prospect of your obtaining a satisfactory arrangement of it. Perhaps the British Government, whilst they refuse to come under any obligation by treaty, might be, at the same time, willing to give directions to the Colonial authorities to afford facilities for the recovery of fugitives from labour; or if they should not be disposed to disturb such as have heretofore taken refuge in Upper Canada (few, if any, are believed to find their way to the lower province) they might be willing to interdict the entry of any others in future. Any such regulations would have a favourable tendency, and are therefore desirable, if nothing more effectual can be obtained. Should the British Government absolutely decline acceding to any agreement for the restoration of those persons, you are authorized, after having clearly ascertained that disinclination, to make an arrangement embracing fugitives from justice and deserters, military and maritime, with the omission of persons escaping from labour.

2. "Arrangement for the adoption of measures to facilitate and complete, in an equitable and satisfactory manner, the settlement of claims made by the subjects or Citizens of either of the two parties to lands situated within the territories of the other in America; and arising out of grants heretofore made by authorities competent at the time to make such grants." The British Government probably has in view British grants of land in the State of Mississippi and the Floridas. Whatever may be their intention, we can enter into no such stipulations as are proposed on the subject. If it be intended, by such stipulations, to impart fresh validity or any additional force, to such grants, it would be improper. If it be only intended to open our Courts of Justice to the claimants under them, that is unnecessary, as they are all now open and competent to decide upon the rights of all parties claiming under, or in opposition to, those grants.

3. "Agreement, that, on neither side, shall debts due from individuals of the one nation to those of the other, or moneys which they may have in the public funds, or in public or private banks, ever be confiscated or sequestered, in case of war or differences between the two countries, and also, that every facility be mutually afforded for the recovery of debts." In the letter of instruction to Mr. Rush of the 28 July 1823, (page 46) he was authorized to propose, along with the maritime question, an article similar to the 10th. article of the treaty of 1794, which comprizes this proposal. If a wish be still manifested by the British Government to have an article to that effect, you may agree to it. Its operation will be more beneficial to Great Britain than to the United States, and, in that respect, furnishes an illustration of the observation
just made, in regard to the surrender of fugitives from labour. But, in deciding on the equality of any treaty or national engagement, it would not be proper to limit our view to a single clause or article, but to extend it to the general tenour of the whole of the mutual covenants.

4. “Further, that no act of reprisal shall be ordered by the one party against the other, on complaint of injuries or damages, till after a statement of grievances shall have been given in, and the redress, demanded, either refused or unreasonably delayed.”

5. “Further, that in case of rupture at any time between the two nations, the merchants of either party shall be allowed to remain, and carry on their trade within the dominions of the other, so long as they behave peaceably and lawfully, and, in case of their being sent away for misconduct, they shall have a reasonable time allowed before removal, for the settlement of their affairs, and necessary preparations.”

6. “Further, that, in case of any vessel belonging to the Government or individuals of one nation being wrecked on the coasts of the other, any property belonging to them, recovered therefrom, shall be restored, all practicable assistance rendered, and no more salvage claimed, than in like cases from natives.”

7. “Further, that vessels of either party, forced by distress into any port of the other, not being an open port, shall, nevertheless, be hospitably received, and allowed, if necessary, to victual, repair, unlade its cargo, and dispose of a part thereof under proper regulations.”

8. “Further, that ships and merchandize belonging to either party, when rescued from pirates by the other, shall be restored to the original owners, on the payment of salvage no higher than would be claimed, in like case, from the subjects or Citizens of the rescuing party.” Although it would have been more agreeable to the Government of the United States to have comprized, in the same instrument, an arrangement of all belligerent subjects which, in their opinion, it is desirable to adjust by treaty, and they therefore regret the reception which some of those subjects met with from the British Plenipotentiaries, when brought forward by Mr. Rush in his negotiation, you are authorized to agree to articles embracing the principles of those several propositions. Models of them may be found in the treaty of 1794. It is not a sufficient reason to decline securing what is practicable that we cannot obtain all that is desirable.

9. “Finally that the Consuls and Vice Consuls of either party, having an Exequatur in due form, shall be exempt from the payment of direct taxes, and from personal service of every kind, respectively, within the territories of the other.” We have no objection and
you are authorized to agree to the exemption, so far as it respects personal service of every kind, in the territories of either party. We are not now prepared to consent to their exemption from the payment of direct taxes.

The third and fourth articles of the Convention of the 20th. day of October 1818, negotiated by you and Mr. Rush, are limited, respectively, to a period of ten years, from that date. As the time will now soon run out, it is necessary for the parties to consider, whether those articles shall be allowed to expire, or be continued, with or without modifications. The third article relates to the territories claimed by the contracting parties, on the North West coast of America, Westward of the Sony mountains, and provides, among other things, that they shall be free and open, for the above mentioned term, to the vessels, Citizens and subjects of the two powers. If you should be able, according to the instructions herein previously given, to agree with the British Government on a boundary between the territories of the two parties, that article may be rescinded, or left to expire by the lapse of time. If you should be unable to come to any agreement, you may consent to that article remaining in force during another term of ten years. From a dispatch just received from Mr. King, communicating a note from Mr. Canning under date the 20th. of April last, (copies of both are herewith) the probability is strong that you will find no difficulty in arranging this question of boundary satisfactorily.

The fourth article relates to the Convention concluded at London on the third of July 1815, and continues and extends it for the before mentioned term of ten years. You are authorized to agree to its further extension for another period of ten years; and, beyond the expiration of that time, until one party shall give to the other six calendar months' written notice of his desire to put an end to it, at the end of which time it shall altogether cease.

I am, with great respect, Your obedient Servant. H. Clay

LS. NHi-Gallatin Papers (MR13). AL draft and a second draft, in clerk's hand with interlineations by Clay, in DLC-HC (DNA, M212, R7). Copy in DNA, RG59, Dip. Instr., vol. 11, pp. 90-129 (M77, R6). ¹ Not found.
² George Canning.
³ George IV.
⁴ Dated June 20, 1826. LS, in NHi-Gallatin Papers (MR13); copies, in DNA, RG59, Dip. Instr., vol. 11, pp. 125-35, and DLC-HC (DNA, M212, R7).
⁵ Cf. above, Clay to King, May 10, 1825.
⁶ See above, King to Clay, September 4, October 12, 1825; February 13, 1826.
⁷ See above, Rush to Secretary of State, March 26, 1825, note.
⁸ See above, King to Clay, December 25, 1825; Vaughan to Clay, March 22, 1826.
⁹ “Correspondence with Great Britain on the Various Topics of Discussion between the United States and That Government . . . Communicated to the Senate, in Executive Session, January 20, 1825, and the Injunction of Secrecy Since Removed,” American State Papers, Foreign Relations, V, 510-82. These documents, which included the correspondence between John Quincy Adams and Stratford Canning in reference to the legislation of March 1, 1823 (see above, III, 729, note 21), Adams' instructions on this and other subjects of controversy, directed to Richard Rush in London, and the latter's report of the ensuing negotiations during the spring and summer
of 1824, had been withheld from publication in the *State Papers* because of the pending resumption of the negotiations; but the Senate had ordered printing of fifty copies "under the injunction of secrecy." U. S. Sen., *Executive Journal*, III, 410. Some of the documents relating to colonial trade were subsequently transmitted to Congress with Adams' annual message of December 5, 1826, *Senate Docs.*, 19 Cong., 2 Sess., no. 1. Cf. below, Clay to Gallatin, November 11, 1826. William Huskisson and Stratford Canning had been the British negotiators in the spring of 1824.

10 Concerning the northeast boundary. Cf. above, I, 1006.

11 See above, II, 611n; III, 60n; Rush to Secretary of State, March 26, 1825; King to Clay, April 28, 1826.

12 Cf. above, Lloyd to Clay, June 27, 1825; Hammond to Clay, August 31, 1825.

13 See above, II, 611n; III, 60n.

14 Under Article XIII of the Treaty of Utrecht (1713), re-affirmed by the Franco-British Treaty of Paris in 1763, the British had yielded to France fishing privileges off the northern and western coasts of Newfoundland, from Cape Bonavista to Point Riche. This zone had been somewhat modified under the Treaty of Versailles between Britain and France in 1783, limiting the French privilege to the coast north and west of Cape St. John but extending it along the whole west coast south to Cape Ray. Under the convention with the United States in 1818, Britain had granted the Americans fishing privileges in an area which overlapped the concession to France from Cape Ray to the Quirpon Islands, off the northeastern tip of the Great Northern Peninsula. *British and Foreign State Papers*, 1812-1814, pp. 420-24; Miller (ed.), *Treaties*, II, 658-59. Following the Napoleonic wars, the French had vigorously developed their fishing operations along this peninsula and had asserted an exclusive privilege to fishing in the area. When French armed vessels during 1820 and 1821 had driven off the Americans, John Quincy Adams, as Secretary of State, had protested to both France and England, particularly to the latter, since he believed Britain answerable if she had conceded to the United States "a right which she had already granted as an exclusive possession to France." For comment on the French fishing rivalry, see Harold A. Innis, *The Cod Fisheries; the History of an International Economy* (rev. ed.; Toronto, 1945), 397-308, and on Secretary Adams' protests, see his *Memoirs*, VI, 23, 151, 161; Bemis, *John Quincy Adams and the Foundations of American Foreign Policy*, 461-62.


16 During conferences in the spring and summer of 1824, the British had refused to modify their assertion of an "established right" on the issue of impressment: and, asserting that the United States was unprepared to discuss other maritime questions apart from that topic, they had closed that area of discussion. When Rush subsequently had agreed to discuss the impressment issue independently, as stated by Clay later in this paragraph, the British negotiators had replied as he indicates and concluded that "The sentiments of their Government ... remained unchanged, and they could therefore indulge no hope of any good results from a fresh discussion on only the same ground which Great Britain had, on full deliberation, adjudged to be inadequate in all former discussions." Rush to Adams, August 12, 1824, *ibid.*, p. 551. 17 See above, I, 1000, 1001.

18 Cf. above, II, 609, 611n.

19 The word was "will" in Clay's draft.


21 Resulting in the St. Petersburg Convention. Cf. above, III, 736n; Rush to Secretary of State, March 8, 1825.

22 Alexander I.

23 Frederick William III, King of Prussia from 1797 to 1840; Charles X: William I, King of Württemberg from 1816 to 1864; and Karl August, Grand Duke of Saxe-Weimar-Eisenach, who ruled from 1775 to 1828.

24 See above, Clay to Addington, March 27, 1825, note. The American Commissioner had been Cornelius P. Van Ness; the British, Thomas Barclay, born in New York, graduated from King's College (Columbia University), and trained in law under John Jay, Barclay had served in the British Army during the American Revolution and afterwards had removed to Nova Scotia. He performed a number of assignments as commissioner in negotiations with the United States and, for much of the period from 1799 to 1830, served as British consul general, residing in New York. He was the father of Anthony Barclay.

25 In the letter of June 25, 1823.

26 Here and at several other points below, Clay's original draft identified the river as the "Oregon or Columbia."

27 See above, II, 678n. 816n.


29 A small British trading expedition had spent some time in Nootka Sound, on the
western coast of Vancouver Island, in 1788 and returned in the next year to establish a permanent trading post. Following seizure, later in 1789, of the British vessels and settlement by a Spanish expedition, Great Britain had forced Spain to agree to a convention which, among other provisions, admitted the right of British subjects to land "on the coasts... in places not already occupied, for the purpose of carrying on their commerce with the natives of the country or of making establishments there..." William Ray Manning, "The Nootka Sound Controversy," American Historical Association, Annual Report... 1904 (Washington, 1905), p. 455.

30 See above, Rush to Clay, April 4, 1825, note.
31 This proposal, as a possible concession, had been incorporated in the instructions from Secretary of State Adams to Rush, July 22, 1823, and communicated to Congress January 31, 1826. American State Papers, Foreign Relations, V, 793; and cf. above, Clay to Adams, January 30, 1826.
32 Astoria. See above, Clay to King, May 10, 1825, note.
33 Cf. above, II, 476, 490n.
34 The area west of the Rocky Mountains claimed by either the United States or Great Britain should be open to both parties for a ten year period. Cf. above, II, 611n.
36 In Clay’s original draft, a parenthesis precedes this word.
37 See below, Hughes to Clay, July 16, 1826, note.
38 This word substituted by Clay for “voluntary” in the second draft.
39 The last three words inserted by Clay in the second draft.
40 The last two words inserted by Clay in the second draft.
41 The last two words added by Clay in the second draft.
43 The last three words were substituted, by Clay in the second draft, for the phrase “totally reversed,” which had been continued, after the following date, to read: “while she was not able to give but compelled to take the law.”
44 From this point the sentence was changed by Clay, in the second draft. It had originally concluded: “speculative reasoning about natural rights, perfect or imperfect, seldom leading to any profitable conclusion; to practical results and consequences, always more instinctive to the interest if not to the judgments of mankind.”
45 Located five miles northeast of Massena, New York.
46 § Geo. IV, c. 119, in which a schedule of heavy duties had been established against importations of wheat, flour, livestock, and forest products from the United States.
47 The Sorel, or Richelieu, River.
48 The Erie Canal.
49 This canal, from Syracuse to Oswego, was completed in 1828. In his original draft, Clay had identified Oswego as “Ogdensburg.”
50 On the existing Champlain Canal, cf. above, III, 357n. The proposed extension became a reality in 1845, with the opening of the Chamby Canal, in Quebec, between Chamby and St. Jean.
51 The remainder of this paragraph was added, in Clay’s handwriting, as a note to the second draft version.
52 The remainder of this paragraph and the next two paragraphs were revisions by Clay, in the second draft, from the following statement as originally written: “... to the navigation of the St. Lawrence is declared free down to Montreal, leaving the question open and undecided as to its existence from that point to the Ocean; and the Citizens of the U. States are allowed to import into and sell at Montreal and Quebec their lumber, ashes, flour and salted provisions, paying no other duties than on other similar articles are chargeable with, coming from Upper Canada. Both articles secure to B. subjects a right to navigate the St. Lawrence, although the channel may be within our exclusive jurisdiction.

“The first article would obtain all that we could desire; the second the least that we can take. Between the maximum and minimum which they present, there are various intervening modifications, some of which will be specified:

“1. The right of navigation of the St. Lawrence, and of a place of deposit might be conceded, but a refusal to allow of sales within the British territory. We could not rightfully object to such a refusal, however unfriendly it would be. But in that case there ought to be no limitation of the articles of our export or import trade. On the supposition of such a refusal, the Canadas would be strictly Entrepots & not places of consumption of the objects of our trade, in either of its directions; and therefore there shd. be no instruction in regard to them.

“2. The navigation of the St. Lawrence to the ocean might be restricted to our
descending voyage only. In that case it will be indispensably necessary that we be allowed to sell at Quebec or Montreal, and also permitted, or rather not forbidden, to employ British tonnage in the exportation of our produce.”

The subsequent numbered specifications appear, re-numbered, in the revised draft.

53 The last three words inserted by Clay in the second draft.

54 The last fifteen words inserted by Clay in the second draft.

55 The last three words inserted by Clay in the second draft.

56 The remainder of this sentence was added by Clay in the second draft.

57 This article of the Jay Treaty had established a reciprocal right of passage “by Land, or Inland Navigation,” for the Indians and citizens on either side of the boundary but not “to the admission of Vessels of the United States into the Sea Ports, Harbours, Bays, or Creeks of His Majesty’s said Territories; nor into such parts of the Rivers in His Majesty’s said Territories as are between the mouth thereof, and the highest Port of Entry from the sea, except small vessels trading bona fide between Montreal and Quebec . . . .” Goods transported in such traffic were to “be subject to no higher or other Duties than would be payable by His Majesty’s Subjects on the Importation of the same from Europe into the said Territories.”


58 See above, II, 42 (Article IV), 45 (Article 3), 46-47 (Article III), 48, 49, 50.

59 The proposal of March 18, 1817, had agreed that no higher duties should be charged on goods exchanged between British North American colonies and the United States than were payable by natives of the respective territories, but it was to have applied only in ports where the middle of the dividing “lakes, rivers, and water communications” constituted the boundary between the British possessions and the United States. American State Papers, Foreign Relations, IV, 368.

60 The last four words inserted by Clay in the second draft.

61 The last two sentences inserted by Clay in the second draft. The next paragraph was inserted by Clay as a note appended to the first draft.

62 See above, Rush to Secretary of State, March 26, 1825, note.


64 See above, II, 48, 56.

65 Last eight words inserted by Clay in the second draft.

66 See above, Bartlett to Clay, November 2, 1825; Clay to Cambreleng, December 25, 1825; Vaughan to Clay, February 18, 1826.

67 Cf. below, Gallatin to Clay, September 14, 1826.

68 The last ten words inserted by Clay in the second draft.

69 The last five words inserted by Clay in the second draft.

70 See above, Convention, December 5, 1825.

71 See above, Convention, April 26, 1826.

72 These two words inserted by Clay in second draft.

73 American State Papers, Foreign Relations, V, 570-71

74 Ibid., p. 571.

75 Ibid.

76 Reference to these discussions has not been found. The French Minister of Marine at the time of the dispute cited above, note 14, had been Baron Pierre B. Portal, who had held the office from December, 1818, until his resignation in December, 1821.

77 This and the succeeding quoted proposals are found in American State Papers, Foreign Relations, V, 581-82.

78 Miller (ed.), Treaties, II, 263.

79 Ibid., III, 80-81.

80 Cf. above, Wickliffe to Clay, April 12, 1826.

81 For a list of the British grants in the area which became Mississippi, claims acquired between 1768 and 1780, while Britain held Florida, see Dunbar Rowland, History of Mississippi, the Heart of the South (2 vols.; Chicago, 1929), I, 276-84.


DIPLOMATIC NOTES

June 19, 1826

To the BARON DE MALTITZ. Transmits a copy of a report, dated January 6, 1826, of the House Committee of Foreign Affairs, “upon the petitions of Eliphalet Loud and Samuel Bailey, principal owners of the ship Commerce, and of Israel Thorndike owner of the brigantine Hector and her cargo.” Notes that the petitioners, having failed to obtain from the Russian Government redress for injuries, had approached Congress; that “In declining to act upon the petitions the House of Representatives has given additional proof of its confidence in the justice of the Imperial Government”; and that no response has
been obtained to representations made to the Russian Government in connection with these cases. Requests Maltitz, if he has no instructions concerning these claims, to forward "this note with the accompanying document to St. Petersburg and obtain" a reply as soon as possible. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 273-74 (M38, R3). ALI draft, in CSmH.

On the case of the Commerce, see above, Hobart to Clay, December 15, 1825; on that of the Hector, above, Clay to Thorndike, February 16, 1826, note. The report of January 6, 1826, was published in House Reports, 19 Cong., 1 Sess., no. 25.

INSTRUCTIONS AND DISPATCHES

June 19, 1826

From J[ohn] M. MacPherson, Cartagena, "Duplicate." Transmits a copy of a letter he "addressed to the Intendant of this Department of Colombia." Explains, in this connection, that La Plata, a frigate built in New York for the Colombian Government, had arrived in port under American registry, manned by a crew largely composed of Americans, and carrying other young men bringing commissions from (Leandro) Palacios for service in the Colombian navy; that the vessel, renamed the Cundinamarca is now commanded by "a Captain Pioli"; that he (MacPherson) had engaged a vessel for the transportation home of the American seamen, who had been discharged; and that Pioli, whom he has discovered to be part owner of the latter vessel, refuses to honor the contract. Criticizes the treatment suffered by Americans who take service in the Colombian navy (cf. above, MacPherson to Clay, May 6, 1826), pointing out "that they have been shamefully imposed upon by the Agents of this Country in the United States." States that he is awaiting the advice of (Richard C.) Anderson (Jr.), whom he expects on June 25. LS. DNA, RG59, Cons. Disp., Cartagena, vol. 1 (M-T192, R1). Received July 29. The Intendant of Magdalena Department, Colombia, was Juan de Dios Amador.

From J[ohn] M. MacPherson, Cartagena. Reports the appearance of a Spanish squadron outside the port, comments that it may impose a blockade, and notes that "The Colombian Squadron, for want of men, cannot face them. . . ." Encloses a proclamation by (José A.) Páez, of Venezuela. LS. Ibid. Received July 16.

MISCELLANEOUS LETTERS

June 19, 1826

To Robert Tillotson, attorney of the United States for the Southern District of New York. Transmits an extract from John (M.) MacPherson's dispatch of May 18, 1826; instructs Tillotson "to initiate the proper judicial proceedings" to recover from the captain or owner of the schooner Polly "the penalty incurred by" the captain's conduct at Cartagena. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 335-36 (M40, R19). A similar letter was addressed on this date also to Nathaniel Williams, attorney of the United States for the District of Maryland, requesting that he begin proceedings to recover the penalty incurred by the captain of the schooner Argunot. Copy. Ibid.

From James Cooley, Urbana, Ohio. Acknowledges receipt of Clay's letter of June 6; states his preference for assuming his post in the autumn and his intention of going to Washington in early September. ALS. DNA, RG59, Dip. Disp., Peru, vol. 1 (M-T52, R-T1).

From Joshua Dodge, Bristol, Rhode Island. Reports that he arrived in New York on June 10; that, before leaving Marseilles, he had received "information
... of the success of the Greeks at Missolonghi" (cf. above, Brown to Clay, April 13, 1826, note); and that he can be reached, while in the United States, in "care of James D'Wolf Jr. of New York." ALS. DNA, RG59, Cons. Disp., Marseilles, vol. 2 (M220, R2).

From Albert Gallatin, New York. Refers to Clay's letter of June 10; reports having engaged passage on the Liverpool packet for July 1; recommends William B. Lawrence for appointment as Secretary of Legation, if John A. King should resign; requests "copies of all the reports, minutes, arguments & maps," relating to the (north)eastern boundary, "transmitted to the Department of State. . . by the Commissioner of the United States" (Cornelius P. Van Ness; see above, Clay to Gallatin, this date). Cites a conversation with (Ramsay) Crooks, who resided on the Columbia River as an agent of (John J.) Astor; notes that "According to his information, the country north & west of the Columbia extending north to the 49th degree of latitude and west to the sea, is extremely worthless. . . ."; and adds: "I am thereby strengthened in the opinion suggested to you that if we can secure the river and all the waters emptying into it within the boundary heretofor[e] offered, we may, in order to attain that object, abandon without inconvenience our right to the slip of land watered by the Caledonia river & the other smaller streams that empty into the Gulf of Georgia or straights of Fuca." ALS. DNA, RG59, Dipl. Disp., Great Britain, vol. 35 (M30, R29). Extract published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 503-504.

Crooks, born in Scotland, had emigrated to Montreal and entered the fur trade while yet a youth. A minor partner in the Astoria venture of 1812, he had remained in association with Astor and in 1817 had become general manager of the American Fur Company. He continued to direct the operations of this firm, in conjunction with Astor until the latter sold out in 1834 and subsequently as independent proprietor of the Northern Department, until his death in 1859.

The "boundary heretofor[e] offered" probably refers to a proposal, made by Gallatin and rejected by the British during the negotiations leading to the Convention of 1818, "that the 49° line, after having crossed the waters of the Columbia, deviate so far southwardly as to leave within the British claim the whole watershed of the Gulf of Georgia." Frederick Merk, The Oregon Question: Essays in Anglo-American Diplomacy and Politics (Cambridge, Massachusetts, 1967), 39. Cf. above, Rush to Clay, March 26, 1825, note. "The Caledonia [shown on a map published in London in 1817] was a grossly distorted version of the Skagit River, a minor stream that enters the gulf by a forked outlet south of 49°." Merk, Oregon Question, 39, 60.

From William Hendricks, Madison (Indiana). Inquires "whether the law lectures of Gold & Reeves (delivered at Litchfield Cont. from 1812 to 16 or thereabouts) have ever been published and the copyright secured"; notes that two Madison lawyers, Scott and Carpenter, have a copy of the lectures and wish to publish them. ALS. DNA, RG59, Misc. Letters (M179, R64). Tapping Reeve, founder of the Litchfield Law School, a judge of the Connecticut Superior Court from 1798 to 1814, and chief justice of that State from 1814 to 1816, had published The Law of Baron and Femme, of Parent and Child . . . in 1816 and A Treatise on the Law of Descents in the Several United States of America in 1825. James Gould, Reeve's associate in operation of the Litchfield School from 1798 to 1820, when Gould assumed full direction and continued the institution until 1833, published Principles of Pleading in Civil Actions in
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1832. Scott, possibly John H., who was a congressional candidate from Jefferson County, Indiana, in 1826, and Carpenter, not further identified, appear to have abandoned their project.

APPLICATIONS, RECOMMENDATIONS       June 19, 1826

CALVIN WILLEY, Tolland, Connecticut, notes his desire to resign from the United States Senate, provided he can receive an appointment as postmaster at Hartford, Connecticut; requests Clay's aid. ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by Clay: "To be submitted to the President." Willey, a lawyer, had been a member of the Connecticut House of Representatives for several years, postmaster of Stafford Springs (1806-1808) and Tolland (1812-1816), probate judge (1818-1825), and State senator (1823 and 1824). He did not receive the appointment here mentioned; he completed the Senate term for which he had been elected and, in 1831, resumed the practice of law.

To Daniel P. Cook

Dear Sir       Washington 20 June 1826.

Notwithstanding my determination to reimburse you the amount which you had kindly advanced for me to pay the taxes on my land in your State, your departure from this City took place without my effecting that object. This was owing to my confinement by indisposition, at the period of the adjournment of Congress. I now inclose you a check on Philada. for $21 36/100 being the amount mentd. in the receipt you left with me. I do not know whether your advance for me was in currency or specie. If in the former, you can apply the over-plus to the paymt, of the taxes of this year, or, if Mess Blackwell & Stapp (from whom I have received a letter soliciting the agency of paying my taxes) be thought by you to be trust worthy, you may pay it to them and request them to attend in future to the payment of my taxes.

I purpose setting out for K. in a few days. I hope to realize during the journey an improvement in my health, which is still wanted. I should be glad to hear from you whilst I am in K. and much pleased to hear that the prospects are good of your re-election. The aspect of public affairs is very encouraging to the administration in most directions. I am Your's respectfully

The Honble D. P. Cook.

H. CLAY

ALS. ICHi. 1 See above, Clay to Brooke, June 14, 1826.

2 Neither the check nor the receipt has been found. Cf. above, III, 134-35, 291: Berry to Clay, June 29, 1825.

3 Probably Robert Blackwell and James T. B. Stapp; the letter has not been found. Blackwell had succeeded Cook as Territorial auditor in 1817 and had himself been succeeded in that office by Elijah C. Berry, his printing partner. Stapp, born in Woodford County, Kentucky, had moved to Illinois in 1814, had become a clerk to the State auditor in 1824, and from 1831 to 1835 held the office of auditor.

4 See below, Clay to Adams, July 25, 1826, note.
DIPLOMATIC NOTES

June 20, 1826

From the BARON DE MALITZ, Washington. Acknowledges receipt of Clay's letter of June 19; promises to call the cases to the attention of his government as promptly as possible. LS. DNA, RG59, Notes from Russian Legation, vol. 1 (M39, R1). Dated June 8/20.

From CHARLES R. VAUGHAN, Washington. States that, having laid before his government a copy of Clay's note of February 24, he finds "that through some inadvertence, directions have been omitted to be sent to the Officers of Customs in the British Colonial Ports, to grant to American Steam Vessels that exemption from Duties" that he had been "instructed to demand as a measure of reciprocity in favour of British Vessels of the same class in the Ports of the United States." Expresses "the sincere regret of the British Government that the omission should have taken place" and adds "that orders will be issued to carry into effect the intention of the Government in the confident expectation that a similar rule will be adopted by the Government of the United States in favour of British Vessels." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in Manning (arr.), Diplomatic Correspondence ... Canadian Relations, II, 504.

INSTRUCTIONS AND DISPATCHES

June 20, 1826

To SAMUEL HODGES (JR.), "Consul U. S. Cape Verde Islands." Transmits a copy of the letter addressed to the British Minister (Charles R. Vaughan) by George Manners, regarding the impressment of two seamen from the Pharos into the Redwing. Notes that Captain Merchant left Boston about May 15 as a passenger on the Pearl, bound for the "Cape de Verds." Requests Hodges to take the depositions of Merchant and any other person conversant with the incident. Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 396-97 (M78, R2). See above, Vaughan to Clay, May 22, 1826; Blake to Clay, June 7, 1826.

To JOHN [M.] MACPHERSON, Cartagena. Acknowledges receipt of his letter of May 16, which is "entitled to consideration and will receive all proper attention." States in reply to his letter of May 18, that directions have been issued to institute proceedings against the masters of the Polly and Argunot. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 397 (M78, R2). Cf. above, Clay to Tillotson, June 19, 1826, and note.

From GEORGE MOORE, Trieste. Encloses, in view of "The probable Importance of the late Commotion in Constantinople," an account received from a friend in that city. ALS. DNA, RG59, Cons. Disp., Trieste, vol. 1 (M-T242, R-T1). The enclosure describes the crushing of a rebellion among the Janissaries. Mahmud II, since his accession to the sultanate in 1808, had attempted to organize a new armed force to supersed the politically powerful Janissaries. Defeated in his early efforts to introduce a unit trained on the European model, he had been increasingly impressed with the value of this system as the French-trained Egyptian forces attained victories in Greece. Early in 1826, when he had some 14,000 artillerymen in the vicinity of Constantinople under a loyal commander, he decreed that some of the Janissaries should undergo the new military training. On June 15, they revolted and were slaughtered by the artillery units. About 4,000 Janissaries were killed there and thousands additionally elsewhere in Turkey. Mahmud thus established his personal sovereignty and created a modern army of over 40,000 troops. Edward S.
From Joel R. Poinsett, Mexico, no. 48. Encloses a note from the Mexican "Secretary of State and Relations [sic]" (Sebastián Camacho); agrees that "The subject on which it treats, the trade of our Citizens in arms and ammunitions of war, is one of serious annoyance to the Mexican government"; notes that he refused to assent to a proposal, made by the Mexican plenipotentiaries, to prohibit trade by the citizens of either country with Indians in the other but that "abuses in that trade . . . will call for the interference of government"; states that he has consented to provide, by treaty, against the practice carried on by tribes in Mexico of capturing settlers and taking them across the border, "where our people redeem them from the Indians, and keep them until claimed and ransomed by their friends." Adds that "the Treaty will probably be signed in a few days . . .". LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received July 18.

MISCELLANEOUS LETTERS


From Stephen Russell and Henry Nixon, Philadelphia. Transmit documents relative to their claim "on the Mexican Government for losses sustained in consequence of the Collector of the Port of San Blas Mexico compelling the Brig Delight to discharge her cargo & deposit the same in the Custom House stores at a distance of more than a mile after paying the Tonnage Duy of $21\frac{1}{2} p Ton & the regular fees to the Officers of the Port"; note that the claim amounts "to $3706.48 with interest from the 23rd. of May 1825"; request that (Joel R.) Poinsett be instructed to "demand the amount from the Mexican Government." LS. DNA, RG76, Mexican Claims Commissions. Russell, not further identified, and Nixon were owners of the Delight. For settlement of the claim, see below, Russell to Clay, November 6, 1826, note.

From Henry V. Somerville, Baltimore. Requests that the will of his late brother (William C.) be sent to him at Baltimore, as well as the watch which, (James) Brown has informed him, would accompany it. ALS. DNA, RG59, Misc. Letters (M179, R64). On the following day Daniel Brent replied that he had been "directed by the Secretary . . . to forward . . . herewith, by Mr.

From Henry R. Storrs, Whitesborough (New York). Transmits for Sylvia Hayden, of Oneida County, documents relative to the death and estate of her late husband, Seth Hayden, "who was murdered in Mexico"; notes that §524.19 for the estate has been received by (James S.) Wilcocks and that Mrs. Hayden "is anxious that Mr. Wilcooks [sic] should either pay to Mr. [Joel R.] Poinsett or remit to the Department this amount . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). The Haydens have not been further identified.

On June 27, Daniel Brent, "In the absence of the Secretary," informed Storrs that the matter would be brought to Poinsett's attention. Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 240-41 (M40, R19). On the same day Brent sent Poinsett a copy of Storrs' letter and its enclosures. Copy, in DNA, RG59, Dipl. Instr., vol. 11, p. 142 (M77, R6). Earlier, on December 22, 1825, Brent had sent Poinsett another letter (not found) from Storrs on the same subject. Ibid., vol. 10, pp. 423-24 (M77, R5).

To Albert Gallatin

No. 3 Department of State Washington 21, June 1826.

Albert Gallatin, appointed Envoy Extraordinary and Minister Plenipotentiary of the United States to London.

Sir

In the general Instructions which were directed from this Department on the 10th of May 1825, to Mr. King, the then condition of the mixed Commission appointed by the Governments of the United States and Great Britain, under the Convention of 1822, to carry into effect the award of the Emperor of Russia, was fully stated; and Mr. King was required to urge the British Government to operate upon their Commissioner to give effect to the stipulations of the Convention, and especially to the fifth Article, which provides, in cases of disagreement between the Commissioners, for a reference to arbitration. He was, also, authorized to agree to compromise the whole affair by receiving a gross sum, and to dispense, altogether, with the Commission. You will consider those Instructions, as well as any others addressed to Mr. King, and which remain to be executed, (copies of all which are furnished you) as still in force, and applicable to your Mission.

As soon as circumstances appear to have admitted after Mr. King's arrival in England, he called the attention of the British Government to that Subject. A copy of the correspondence which passed between him and Mr. Canning is now placed in your possession. The result, finally, was a transfer of the negotiation from London to Washington. It was, accordingly, opened here with Mr. Vaughan, and what passed, on the occasion, will be seen by you in the several notes which were exchanged between him and this Department, of which copies are also now supplied you.
A perusal of the whole correspondence at London and in this City, will shew that it was of a nature far from being calculated to give satisfaction to this Government. Mr. Canning, after having invited Mr. King to state a specific sum which would meet the views of the United States, in the way of compromise, which sum was, accordingly, promptly stated, contented himself with a laconic rejection of the amount, and, without bringing forward any counter proposal, abruptly, and unexpectedly, transferred the negotiation to Washington. Upon being informed of this transfer, a hope was indulged by the President that the just expectations which were so confidently cherished in respect to the issue of Mr. King’s application to the British Government for a faithful execution of the Convention, would be, at last realized through the agency of Mr. Vaughan at Washington. In this we have been entirely disappointed; and it has been seen with no little surprize [sic], that the only instruction with which the British Plenipotentiary was charged, by his Government, was to communicate their approbation of Mr. Commissioner Jackson’s disallowance of the claim to interest as a part of the indemnity awarded by His Imperial Majesty, and his refusal to refer the disagreement between him and Mr. Cheves, on that point, to the arbitration expressly stipulated in the fifth Article of the Convention. The British Government did not even deign to communicate to this, the reasons by which they had satisfied themselves, and which, therefore, might produce conviction here of the justness and propriety of Mr. Jackson’s [sic] decisions in those two respects. We were told, indeed, by Mr. Vaughan that he was instructed to say that the Law Officers of the Crown entertained the opinion that there was no foundation for the demand of interest. What we had to do with the opinion of the Law officers of the British Crown, that it should be brought forward in a Diplomatic Note, addressed to this Government, was not stated. The British Government has the unquestionable right, if it think fit, to consult its Law Officers on any question, and their opinion may form with that Government, a proper, or even deciding, consideration in making up its judgment; but it is entitled to have no influence with the Government of the United States, beyond the force of the argument, or the reasons, brought forward to sustain it; and with these we have not been favoured. The Government of the United States has every reason to hold in the highest estimation, the opinions of its own law Officer; but it is only in conformity to the example which has been set them by Great Britain, that you are instructed to communicate that we also, have consulted the Attorney General of the United States, our Law Officer, and that, after full examination and consideration, he has formed the opinion that the demand of interest is well founded, and consequently,
that when the two Commissioners disagreed about the allowance of it, the British Commissioner was bound by the Convention to have concurred in submitting the question to arbitration. A copy of Mr. Wirts [sic] opinion accompanies these Instructions, and you will make, during your negociation, such use of it as may appear to you to be proper.

The question of interest was not the only question which it must have been known to the British Government, at the time the instructions to Mr. Vaughan were prepared, divided the two Commissioners. There were several others, one of which has an importance scarcely inferior to the question of interest. I allude to the disagreement between the Commissioners about the slaves of Louisiana, taken away from Dauphin Island. Yet his Instructions were restricted to the sole question of interest, leaving all others to remain as so may [sic] impediments in the progressive execution of the Commission. You will observe, from my correspondence with Mr. Vaughan, that I could extract from him the views of the British Government neither in reference to those other questions, nor in regard to the principles which they meant to insist on, as applicable to the fifth Article of the Convention. It is now more than a year since the disagreements arose between the Commissioners which rendered necessary the appeal, through Mr. King, to the British Government, to fulfil [sic] its just engagements. If that circle of time be necessary to enable the British Government to decide only one of the various points of disagreement, it is evident from the number of those which have arisen, and which may be anticipated, that the duration of the Commission will be interminable, should the British Commissioner wait for the communication of the pleasure of his Government in each particular instance of disagreement between the Commissioners. It was under the apprehension of an indefinite and unreasonable prolongation of the Commission, that the Instruction was dictated to Mr. King to require from the British Government a direction to their Commissioner to refer all questions of difference between him and his Colleague, arising under the Convention, to the Arbitration for which it provides.

The Commissioners who were in vacation at the date of the Instructions to Mr. King, resumed their sessions on the eighth day of December last and continued them until the tenth day of the present month when they again adjourned, to meet on the sixth day of December next. A copy of their Journal is now delivered to you, from which you will perceive that they have not made the smallest advance towards the completion of the business of the board. There appears to be no abatement of the unaccommodating spirit of Mr. Commissioner Jackson, upon which it was my disagreeable duty to animadvert, in the Instructions to Mr. King. He
perseveres in his refusal to allow a reasonable access of the claimants to the evidence which the British Government was bound by the Convention to produce; and after the decision of the Board is pronounced on a question submitted by one of them to its consideration, hesitates and has not yet decided to allow the claimants the small privilege of examining the Journal of the proceedings of the Commissioners, to ascertain the effect of the decision upon their interests. Mr. Cheves, in a Letter addressed to this Department, on the 12th, Instant, justly remarks that the late correspondence between the Commissioners affords "the most conclusive evidence of the hopelessness of this Commission, unless some new impulse be given to it by the two Governments. Indeed, should all the points in difference between the Commissioners be settled by negotiation, it is morally certain, unless the British Commissioner shall be imbued with a new spirit, that new differences will immediately arise. There is not a hope of the execution of the Convention in any way, unless unrestrained operation, in all possible cases, be given to the fifth Article. Even then, from the structure of the Convention, its results never can be satisfactory." This correspondence took place, as you will discover, from the Journal, after Mr. Cheves had yielded to the wish of the British Commissioner to make a new experiment to get along with the business of the Board,—an experiment which he thought, and which it is evident, must be useless, as long as the British Commissioner continues to refuse to refer the question of interest, and other questions on which he disagrees with his associate, to arbitration. For without the settlement of that question of interest, which applies to every case, it is altogether impracticable to decide any. It can be no longer doubted that the effect, if not the design, of the proceedings of the British Commissioner is to defeat, entirely, the Commission, by first disagreeing, in all cases, with the American Commissioner, and then refusing, in every one, to call in the Arbitrator of the Convention. The President will not allow himself to believe that this conduct of its Agent can be sanctioned by the British Government. The approbation of his refusal to refer the question of interest, must have been hasty, and without due consideration.

However obviously it is the interest of both parties to put aside the Commission, and to arrange, by a compromise founded on a spirit of mutual concession, a gross sum to be received in lieu of the awards of the Commissioners, you will forbear to make any proposal to that effect. After all that has yet occurred on that subject, both at London and Washington, this Government would be wanting in the respect which is due to itself, if it submitted to the British Government any new proposal for a compromise. Should
that Government think proper to offer any, you will receive, and
decide upon, it, according to your Instructions. If they do not
authorize you to agree to it, you will reject it, or should you deem
it worthy of consideration here, you will take it, ad referendum.

But you will lose no time, on your arrival in England, in calling
the attention of Mr. Canning to the state and prospects of the
Commission, and to urge that the British Government instruct
their Commissioner to carry into effect the Convention, by agreeing
to refer all questions of disagreement, whatever, between the two
Commissioners (including that of interest) to the arbitration of
the Convention. If that be refused, on the ground that the British
Government has decided against the allowance of interest, you will
then, propose that the Commissioners shall proceed, under instruc-
tions to them, to refer all other questions of disagreement to the
Arbitrator of the Convention, with a reservation of the question
of interest to be left to the Emperor of Russia to decide whether
it ought not to be referred to Arbitration, according to the true
intent and meaning of the award of his Imperial brother, and the
Convention to carry it into effect. If they refuse to agree to instruct
their Commissioner to refer all questions other than that of interest,
and should insist upon excepting from reference that in regard to
Dauphin Island also, you are authorized to agree to the exception
of that also, provided they consent that it shall be reserved and
referred to the Emperor Nicholas, in like manner with that of
interest. You are, furthermore, authorized to propose a general
submission to the Emperor Nicholas, of all the questions in which
Mr. Jackson has refused the arbitration, for his decision upon each
and all of them, whether they ought, or ought not, to have been
left to arbitration. A power, comprehending an authority to agree
to such partial or general reference to the Emperor of Russia, and
also to compromise the dispute, accompanies these Instructions.
Perhaps you will find it advisable to have a conference with Mr.
Canning on this subject, in which, if you do not perceive a strong
probability of an amicable and speedy settlement of the differences,
you will address an official Note to him, pointing out the instances
in which the Convention, and especially, the fifth Article, has been
violated by Mr. Jackson, and demanding of the British Government
to require of him to yield his co-operation in calling upon one of
the Arbitrators, in the manner specified in the fifth Article, to
decide all the cases on which he and his* Colleague have, heretofore,
disagreed, or on which they may hereafter disagree.

In making this fresh appeal to the friendly offices of the Emperor
of Russia, the parties will not present themselves to His Imperial
Majesty in a very favourable light. We would not concur in it,
but from necessity. Should it be agreed to, it will be requisite that no time should be lost in bringing the case before the Emperor, as the Commissioners will have to continue in office, until his decision is known, in order to conform their proceedings to it.

Mr. Vaughan, in all probability, has, long since, communicated to his Government the correspondence which took place between him and this, and it is not unlikely that, before your arrival in England Instructions will have been despatched to him, adapted to the state in which that correspondence left the business. It will be expedient, therefore, prior to your entering on this negotiation, to ascertain whether such Instructions have been transmitted.

By the sixth Article of our Treaty with Great Britain of November 1794, it was agreed to establish a Board, consisting of five members to award the compensation which ought to be made to British creditors, in consequence of being prevented from recovering the amount due to them from American citizens by various lawful impediments created contrary to the Treaty of peace. It so happened that a majority of the Board was composed of British subjects; and that majority laid down such sweeping principles for their government, that the American Members of the Commission felt themselves constrained to secede from the sessions of the Board, or unjustly to lend themselves to the subjection of their Government to the payment of a most enormous sum, not in the contemplation of the parties to the Treaty. Their secession became the subject of subsequent negotiation and a correspondence between the two Governments, extracts from which are herewith transmitted to you. They were not sent to Mr. King, because, being our Minister at the Court of London with whom they took place, they were familiar to him. After much delay and discussion, the two Countries agreed, by the Convention of 1802 (See 1st. Volume of the Laws page 225) as has been recently proposed, to dispense with the Commission altogether, and that the United States should pay to Great Britain the gross sum of £600,000. in satisfaction and discharge of the money which they might have been liable to pay if the Commission had proceeded.

It is remarkable how, in respect to analogous [sic] Commissions, the position of the British Government being shifted, they would shift the principles which they contend as applicable to the case. Lord Grenville insisted, in substance, that the two Governments had no controul over the Commission; that the decisions of the Commissioners, in all cases, were binding; and that the Government of the United States had no right to object to them as exceeding the limits of the Treaty. And he called upon the American Government to fulfill its stipulations by requiring the attendance of their
seceding Commissioners, or appointing others in their stead. If it be retorted that the position of the American Government being also changed, we now bring forward principles different from those which we contended for on the occasion of the former Commission, you will not admit the statement. Our great objection, in the execution of the former Commission, was, that the Board laid down general rules of boundless operation, and attempted to decide cases by classes, and not as they successively arose, according to the practice of the Courts of both Countries; and that the inevitable effect was to enlarge the powers of the Commission, and to extend the liability of the United States beyond the plain stipulations of the Treaty. The validity of this objection was admitted, at least by implication, by the British Government, for Mr. King states, in his despatch of the 22d. April, 1800, that Lord Grenville expressed his opinion "that the new Board (it was proposed to create a new one) ought to proceed in a different manner from their predecessors by deciding cases singly, one after another, instead of attempting to decide them by general resolves and in classes."

Contrary to the course recently pursued by Mr. Canning, Lord Grenville had no difficulty in stating a gross sum which the British Government might be willing to receive, in lieu of the amount to be awarded by the Commission, if it proceeded; and, in the first instance, mentioned between one and two millions sterling, although, ultimately, only £600,000 was agreed upon. And this sum was finally fixed, after mutual propositions, and such a comparison of opinions as is indispensable, in any case, to enable two parties, with conflicting interests and views, to conclude a satisfactory arrangement. Without further recalling a recollection of the circumstances by which that amicable result was attained, it is to be regretted that the example has been lost on the British Government whose recent course has not been such as to allow of a similar, or any other friendly issue of the present Commission

I have the honour to be, with great respect, Sir, your obedient Servant. H. CLAY

LS. NHi-Gallatin Papers (MR13). L draft (interlineations and the last one and one-half pages except the closing, in Clay's hand), in DLC-HC (DNA, M212, R7); copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 85-90, 135-37. 1 George Jackson.
2 Cf. above, King to Clay, January 12, 27, February 4, 13, 1826.
3 See above, Vaughan to Clay, April 12, 17, 1826; Clay to Vaughan, April 15, 19, 1826.
4 See above, Wirt to Clay, May 17, 1826. 5 Nicholas I.
6 Henry Seawell; John McCravish, partner in a Canadian fur-trading company.
7 The sixth Article of the Jay Treaty provided for a settlement under the fourth Article of the Treaty of Paris of 1783. The British commissioners were Thomas Macdonald, Henry Pye Rich, and (chosen by lot) John Guillemand; the Americans, Thomas Fitzsimmons and Samuel Sitgreaves, both of Pennsylvania.
8 Clay referred to Colvin's edition of the laws (see above, II, 560n). The Convention of 1802, Article I stipulating the provision indicated, is published in Miller (ed.), Treaties, II, 488-89. 9 William Wyndham Grenville, Baron Grenville.
June 21, 1826

INSTRUCTIONS AND DISPATCHES

To Albert Gallatin, no. 4. Requests him to continue the practice, followed by his "Predecessors in the Mission to England," of transmitting to the State Department "several Periodical Publications," including government documents, the "Edinburgh [sic] and Quarterly Reviews . . . : Repertory of Arts and Manufactures . . . : Transactions of the Royal Society . . . : Annual Register . . . ." LS. NHi-Gallatin Papers (MR13).

From William Taylor, Veracruz. Reports two new municipal regulations "extremely injurious to the interests of all foreign Shipping"; "a feeling of hostility in this place towards all foreigners the Spaniards excepted"; the departure from the Mexican Navy of "American and English Officers and Seamen," in consequence of attempts "to establish new regulations for the service," and current efforts "to ship new Crews under regulations more favorable"; the arrival of a vessel, built in New York for the Mexican Government, bearing David Porter, who went immediately to the capital; and the understanding that Porter will become "Commander in Chief of the Mexican Navy" (see above, Wilkinson to Clay, July 27, 1825, note). ALS. DNA, RG59, Cons. Disp., Veracruz, vol. 1 (M183, R1). Received July 18.

MISCELLANEOUS LETTERS

To Richard Henry Lee, Leesburg, Virginia. Acknowledges receipt of Lee's letter of June 16; expresses a wish to obtain copies of the Arthur Lee papers, especially "If they throw any light on the lost million of franks [sic] (as it has sometimes been described) above all, if they would prove that the articles, payment for which is now claimed by Beaumarchais' heiress, were purchased with that million of francs, they would be highly important." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 337 (M40, R19). See above, III, 313n.


To William Wirt. Transmits a letter from (Francis) Jones; requests Wirt to send "advice and instructions" to Jones. N, in Daniel Brent's hand. DNA, RG60, Letters Received from the State Department. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 338 (M49, R19). See above, Jones to Clay, March 18, 1826.

To Peter Buel Porter

My dear General. Washn. 22d. June 1826

I am on the eve of my departure for K. and hope that my health, which has improved of late, will be established by the journey.\textsuperscript{1} I saw with regret the account of the crevasse in your works at Black rock,\textsuperscript{2} and hope that it has been repaired. I have not heard from you for some time. I had cherished the hope of being able

\textsuperscript{1} I am on the eve of my departure for K. and hope that my health, which has improved of late, will be established by the journey.

\textsuperscript{2} I saw with regret the account of the crevasse in your works at Black rock.
to visit you this summer, but I am compelled to defer it until another year. A reaction against the Opposition has taken place in the public sentiment which is powerful and overwhelming. Our accounts from all quarters establish that truth. Even in the South (where the opposition is strongest) the Administration has many and influential friends. In the West (with the exception of Tennessee) I assure you that we could hardly desire an improvement in the public feeling and opinion.

Will V. Buren be re-elected? From what I hear I should suppose he would not be; but I form opinions always with diffidence in regard to the movements in your State. Of Mr. Clinton we seldom hear. It is remarkable that, whilst an opinion prevails with some in N. York that the Administration has been disposed to favor him, he thinks directly otherwise.

I have recd. a letter from Mr. Southwick about a New paper which he thinks of establishing. He makes the strongest professions, and asks me to write to you in his behalf. If you think him worthy of support (and you are much more competent than I am to judge of him) I have no doubt you will patronize his paper. My best respects to Mrs. Porter. I am truly & Cordially Your friend

H. Clay
Genl. P. B. Porter

DIPLOMATIC NOTES

June 22, 1826

From Antonio Jose Canaz, Legation of Central America, New York. States that he has received permission to return home for reasons of health and that the Secretary of Legation, Fernando Valero, remains as Chargé d’Affaires. LS, in Spanish with trans. in State Dept. file. DNA, RG59, Notes From Central American Legation, vol. 1 (M-T34, R1). Valero, not further identified. Cf. below, Valero to Clay, October 29, 1826.

From Charles R. Vaughan, Washington. Acknowledges receipt of Clay’s note of June 15; states that he “cannot acquiesce in the justice of” the demand for restoration of the seaman still on board the British vessel and punishment of “the officer concerned in the impressment of him”; argues that, if the statement of the consul (George Manners) be correct, no outrage was committed; notes that he, though not fully informed on this matter, has protracted his correspondence with Clay “from an anxious desire, only, to calm the irritation which Complaints of such a nature are too apt to excite in the feelings of the publick.” Expresses gratification that the investigation is being continued and “confident expectation, from what has already transpired, that the British
INSTRUCTIONS AND DISPATCHES

From William Taylor, Veracruz, "Private." Forwards a dispatch from (Joel R.) Poinsett and explains why he opened it; congratulates Clay "on the adjournment of Congress" and on the success of "leading measures"; reports that "Some 'Cubanos' who have established a paper here" have been critical of the President and Clay "for the measures recommended respecting Cuba." ALS. DNA, RG59, Cons. Disp., Veracruz, vol. 1 (M183, R1). The Poinsett dispatch is probably that dated June 20, 1826. On the President's Cuban message, see above, Clark to Clay, April 19, 1826, note.

MISCELLANEOUS LETTERS

To Elisha Smith, Mount Vernon, Kentucky. Acknowledges receipt of a letter from Smith respecting the account of his father for services in taking the last census; expresses belief from a letter in the file, a copy of which he encloses, "that the papers were returned either to him [the elder Smith] or to Col. [Richard M.] Johnson, on the ground that the account had been finally closed with the Marshal [John T. Mason], and that he and not this Department was bound to settle with" Smith's father. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 338 (M40, R19). Smith's letter has not been found. Already sufficiently prominent to have been named by the Kentucky Legislature in 1821 as a trustee of the academy in Rockcastle County (Ky. Gen. Assy., Acts, 1821, pp. 313-14), Smith was elected to the Kentucky House of Representatives in 1831, 1832, 1842, 1843, and 1845. His father, William Smith, had been a justice of the peace of Rockcastle County and in 1820 assistant to the marshal for the District of Kentucky in recording the census.

From James H. McCulloch, Baltimore. States, in reply to Clay's circular of June 17, that within the last three years only one vessel left Baltimore directly for Bermuda. ALS. DNA, RG59, Misc. Letters (M179, R64).

From Samuel Southard, Navy Department. Encloses "a letter, dated the 1st. instant, . . . from Commodore Lewis Warrington, Commander of the U S Naval Forces in the West Indies"; requests that it be returned to the Navy Department. Copy. DNA, RG45, Executive Letterbook, vol. 1821-1831, p. 197. The Warrington letter, not found.

APPLICATIONS, RECOMMENDATIONS

From William Henry, Paris (Kentucky). States that "Mr [Ebenezer] Sharpe has recently been appointed President of the Literary Institution at Indianapolis Indiana" and that his family and Sharpe's wish to be together; solicits an appointment for himself in that State. ALS. DNA, RG59, A. and R. (MR2). Henry, a Presbyterian elder and, formerly, assessor for the Third Collection District of Kentucky and clerk in the Lexington branch of the Bank of Kentucky, received no Federal appointment. His wife, Rubena, was a sister of Mrs. Sharpe, the former Eliza Lake.
To James Brown

Dear Sir

Washn. 23d. June 1826.

On the eve of my departure for Kentucky, I have barely time to acknowledge the receipt of your favor of the 10th. Ulto. We have heard of the sad news from Greece, with which you were not then acquainted.¹ Their only salvation now must depend on the quarrels between Russia and the Porte. We are not surprized [sic] that France shd. be dissatisfied with the President’s allusion to Hayti. It would be quite agreeable to her for all powers to acquiesce in the monopoly which she aims to re-establish.

Mr. Gallatin sails on the first. He carries with him instructions,² conceived in such a spirit, on all points of difference, that I have strong hopes of the success of his Mission. I shall prepare instructions for you on my return from Kentucky about the first of Septr.³

My health is improved, and what I yet want I hope to acquire on my journey. That of Mrs. Clay is not as good as when she was at Ashland, which we attribute to her leading here a life of less activity. She set out yesterday on the journey, in our private carriage. I follow her tomorrow in the stage. We have only little John with us. The approach of age is strongly marked by the fact that we are almost as much alone now as when we were first married.

1 I paid your bill.⁴ My best respects to Mrs. Brown. Yr’s truly

James Brown Esq.

ALS. KyLxT-Haupt Collection.

¹ As late as June 17 American journals were reporting victory for the Greeks at Missolonghi. The arrival of European newspapers during the ensuing week brought an account of “an official despatch received at the colonial office in London,” presenting details of the fall of the fortress. Cf. above, Brown to Clay, April 13, 1826, note; Niles’ Weekly Register, XXX (June 17, 24, 1826), 289, 304.

² See above, Clay to Gallatin, June 19, 21, 1826.

³ Cf. below, Clay to Brown, December 14, 1826.

⁴ Above, Draft, January 30, 1826.

To Albert Gallatin

No 5.

Department of State, Washington, 23 June 1826.

Albert Gallatin, appointed Envoy Extraordinary and Minister Plenipotentiary—to Great Britain.

Sir,

Your Letter of the 19th Instant has been received and submitted to The President. In regard to the appointment of Mr. W. B. Lawrence, of the City of New York, as Secy of Legation, The President would, at once, accede to your wishes, if the office were vacant. Some scruple is felt with respect to his going out, on the contingency of its becoming vacant, lest it should be thought by Mr. King, the present Incumbent, that there was a wish, which
is not felt, to get rid of him. On the other hand, from what we have heard, there is great probability of his not wishing to remain in England, as Secretary of the Mission, and, if such be his determination, the public Interest might suffer for the want of a discharge of the duties of that office. Under these Circumstances, The President consents, if Mr. Lawrence accompanies you, that you should say to him, he will be appointed, if Mr. King wishes to return, it being explicitly understood that the Executive is entirely satisfied with his conduct, and that it is to be considered optional with him, whether he returns, or not.

Copies will be ordered of all the Reports, Minutes, Arguments and Maps respecting our N.E. Boundary, which were sent to this Department by the American Commissioner. It will require some time to prepare them; and, when completed, they shall be sent to you, if it should be thought necessary. You will not want them, at all events, for some time.

Mr. Crooks' Information adds but little to what was previously possessed. If the Land on the N. W. Coast, between the mouth of the Columbia River, and the parallel of 49 be bad, and therefore we should lose but little in relinquishing it, the same consideration will apply to the British. The President cannot consent to vary the line proposed in your instructions, and I think, when you come to examine them, in connection with the late note, transmitted by Mr. King, from Mr. Canning, you will not think it necessary.

Mr. Ironside left this place yesterday, with your Instructions and the papers intended for your Mission— I presume he will deliverer [sic] them to you to morrow.

I am, Sir, respectfully, your Obedt Servt. H. Clay

1 Above, June 19, 1826.
2 George E. Ironside.

To Joel R. Poinsett

Joel R. Poinsett, Envoy Extraordinary and Minister Plenipotentiary U.S. to Mexico
Sir.

Your despatches from No. 36 to 45, inclusive, are received. With respect to the case of the Eagle, charged by the Mexican Government, with an attempt to violate its revenue Laws, and which, after having been, in consequence, seized, subsequently made her escape, I am charged by the President to say that the Government of the United States, entertaining the greatest respect for the Laws of
all other Countries, gives no countenance to any of our citizens who may be guilty of a violation of them; and that we should see, without dissatisfaction, the punishment of the Commander of the Eagle, and all concerned with him, if after a fair trial, they should be found guilty of the offence imputed to them. For the purposes of such a trial, you may add, that, if they again come within the jurisdiction of the United Mexican States, we should acquiesce in their arrestation without making the slightest remonstrance or opposition against it. You were perfectly right in repelling the general inference, drawn, without proof, from the particular case of the Eagle, of a disposition on the part of the Commanders and crews of our merchant vessels, to treat with disrespect, the Laws of Mexico.

The restricted permission given in regard to the proposed road from Missouri into the territories of the United Mexican States does not seem likely to be productive of much good. It can be of very little avail to make a reconnaissance, without any privilege either to cut, and mark out, the road, or even to designate the route.

I transmit you, herewith, copies of a despatch from Mr. Anderson, and of a Note from Mr. Ravenga [sic] addressed to him, in respect to the suspension requested by the President, of any attack meditated against the Islands of Cuba and Porto Rico. The Republic of Colombia, it would seem, has seen the Presidents request in a light very different from that in which you represent the Mexican Government to have regarded it, and has, in substance, agreed to the suspension, and deferred any invasion of those Islands, until the sense of the the [sic] Congress of Panama is known on that subject. The season had so far advanced when the decision was finally made here, by the Congress of the United States, in respect to that at Panama; the danger to the health and lives of our Ministers was apprehended to be so great; and the probability of an adjournment, until fall, of the Congress at Panama, was so strong, that the President has concluded that Mr. Sargeant [sic] and Mr. Rochester should be permitted to remain here until the fall. Mr. Anderson being near the spot, has been allowed the option of proceeding to Panama, if it should appear to be necessary, or of returning to the United States, and also waiting until the autumn.

I am Sir, your obedient Servant

H. Clay.

Copy, DNA, RG59, Dip. Instr., vol. 11, pp. 139-40 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

1 December 2, 1825, to May 17, 1826.
2 See above, Poinsett to Clay, April 30, 1826.
3 See above, Poinsett to Clay, May 17, 1826, note.
4 See above, Anderson to Clay, March 19, 1826.
5 Above, Poinsett to Clay, March 18, 1826.
6 See above, Clay to Sergeant, May 11, 1826; Clay to Rochester, May 10, 1826.
7 See above, Clay to Anderson, May 19, 1826.
From Maria Clinton Beekman

Dr Sir

New York June 23 1826

I trust you have not forgotten the daughter of the late vice President Clinton who had the Pleasure once to board at the same house with yourself. I take the liberty to write to you on behalf of my nephew Theodore Baily Tallmadge the youngest Son of my deceased sister who is an orphan and under the Guardianship of my husband he is about 14 years of age and has pursued classics studies between two and three years he has a strong desire and it is also the wish of his friends that he should be placed at West Point military accademy. Beieving that an application from you to the President would receive more attention than one from me who am a perfect Stranger to Mr Adams I beg that you would interest yourself for him and I shall ever feel Gratefull for the favour will you have the goodness when you can spare Time from your other avocations to write me a line yours with respect

MARIA CLINTON BEEKMAN

Hon Henry Clay
No. 33 Courtland Street N York

ALS. DNA, RG94, Military Academy, Cadet Applications, 1826-222 (M688, R45).

1 During the Congressional Session of 1806-1807 or that of 1810-1811. Cf. E. Wilder Spaulding, His Excellency George Clinton, Critic of the Constitution (New York, 1938), 281-82; Smith, First Forty Years of Washington Society, 84-85.

2 Elizabeth Clinton (Mrs. Matthias Burnet) Tallmadge. Tallmadge had died in 1819; the date of his wife's death, not found.

3 Not identified.

4 Identified in the records as "Thomas B. Talmadge [sic]," the young man was rejected for admission to the Military Academy in 1826. House Docs., 21 Cong., 1 Sess., no. 76, p. 108. He has not been further identified.

Receipted Bill from C[harles] Polkinhorn

Wash June 23d 1826

Hone Henry Clay Bot of C. Polkinhorn $5.75
I Bufflo [sic] cover .25
Velice [sic] Straps.

Recd Pay for C. Polkinhorn 6.00

RICH W POLKINHORN

DIPLOMATIC NOTES

June 23, 1826

To C[harles] R. Vaughan. Encloses a copy of a letter of the Governor of Massachusetts (Levi Lincoln) to the President, transmitting a resolution of the Massachusetts Legislature regarding the boundary between New Brunswick and the United States, "which evinces the disposition of that State to contribute
to the harmony and friendly relations . . . between Great Britain and the United States.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 275 (M38, R3). AN draft, in CSfH. The resolution, passed on June 19 and transmitted by Lincoln to President Adams in a letter of June 20, had called for suspension of the operation of earlier resolutions authorizing conveyance of title to lands in the disputed territory. Both Clay’s note and the resolution are published in House Docs., 20 Cong., 2 Sess., no. 90, pp. 18-19. Cf. above, Lincoln to Clay, December 6, 1825.

**INSTRUCTIONS AND DISPATCHES**

June 23, 1826

To William R. Higinbotham, “Commercial Agent U.S. Bermuda.” States that Higinbotham’s letter of June 1 does not contain a satisfactory explanation of his expenditures; that, nevertheless, payment is authorized on his bills drawn before June 1, already presented to the State Department; that an inquiry has been instituted; and that he is not to draw further until authorized to do so. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 399 (M78, R2).

To William Shaler, “Consul General U.S. Algiers.” States that Shaler’s letter of March 25 has been submitted to the President and that authorization is granted for government expenditure, not to exceed the sum mentioned by Shaler, for a cemetery. Copy. Ibid.

**MISCELLANEOUS LETTERS**

June 23, 1826

From David Curtis, Abington, Massachusetts. Addresses the President, “together with Messrs [William] Wert [sic] & [Henry] Clay,” asking their help in obtaining his share of income from a patent granted to Joseph Grant on August 11, 1821. States that he bought from Grant, for $13,000, a half-interest in the patent on March 13, 1822, and sold this interest to S. Townsend in July, 1822, “upon the consideration of ¼ Part of a cent for each & every Hat-Body which should be set or put up under said patent.” Explains that Townsend has refused payment on this contract after April, 1825, because the Grant and Curtis patent was then cancelled, “a new one, embracing the same improvement,” was awarded, and Townsend professes to be operating under the new one. Inquires whether his claim on Townsend is good. Comments: “Should Patents stand liable to be cancelled without any Court of Law or any knowledge of Parties concerned I think they must Circulate at a small Price.” ALS. MHi-Adams Papers, Letters Received (R476). Endorsed, by Adams, on cover: “To be referred to the Superintendent of the Patent Office” (William Thornton). Curtis, Grant, and Townsend have not been further identified. Grant received two other patents relating to “setting up” of hat bodies, one dated April 28, 1825, and the other, April 10, 1827.

From Joseph Delafield, New York. Reports that, since his letter of May 25, “it has been determined to postpone the meeting of the Board under the 6th & 7th articles of the Treaty of Ghent, until the British party shall be prepared to close the business; which . . . will be in September next.” The “British Agent” (John Hale) expects nothing to “prevent his attendance in September.” ALS. DNA, RG76, Northern Boundary-Treaty of Ghent, 1814, Arts. VI & VII, env. 1, folder 2.
June 24, 1826

APPLICATIONS, RECOMMENDATIONS


Receipt from Nelson Davidson

[June 24, 1826]

Recd. 24 June 1826 of H. Clay balance in full of his new carriage and of all accounts to this day.

Nelson Davidson

DS, in Clay’s hand. DLC-TJC (DNA, M212, R16). See above, Check to Davidson, June 14, 1826.

From Thomas S. Jesup

Dear Sir, Washington City June 24th. 1826.

I enclose a copy of the paper which I read to you to day it was drawn up, with a view of being presented to you, within half an hour after your note had been presented to Mr. Randolph— It contains the substance of my interview with that Gentleman¹—

I enclose, also, the deeds which you were so kind as to offer to take charge of— If you can, without inconvenience, have them recorded in the Office of the Clerk of the General Court of Kentucky, I will thank you to do so, and forward them to me at this place. The expense of recording them, I will pay immediately on being informed of the amount.

Most Cordially, I am, Dear Sir, Your Obt Servt. TH: S. Jesup

The Hon Henry Clay.

ALS. DLC-HC (DNA, M212, R2). ¹ See above, Jesup to Clay, April 1, 1826.

DIPLOMATIC NOTES

June 24, 1826

To Antonio Jose Canaz. Acknowledges receipt of his note of June 22, which has been submitted to the President; conveys the President’s regret at Cañaz’s departure and commendation for his official conduct as Minister; notes Clay’s willingness to deal with Fernando Valero as Chargé. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 275 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

June 24, 1826


From T[OMAS] M. RODNEY, Wilmington. Forwards “for the information of the Dept” letters received from (Vincent) Gray, Rodney’s “Agent at Havana.” ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Among the enclosures was a report by Denis Thomas, captain of the Colombian privateer Zulme, concerning his capture in waters of the United States, off Key Lobo, Florida, by the Spanish brig of war Marte, May 30, 1826. Gray, in a letter to Rodney dated June 5, commented that the privateer and her crew had been brought into Havana, that he had “applied to” Captain Cassin, but that the latter had stated that no interference could be made for the Americans on board, “as they had entered into a foreign service and caught [sic] fighting agt a friendly power, with whom his Government was at Peace.” Gray also reported news “of a new Revolution, and a very serious one,” in the refusal of General (José Antonio) Páez to acknowledge the authority of the Colombian Congress (see above, Litchfield to Clay, May 22, 1826).

Stephen Cassin, born in Pennsylvania, had entered the United States Navy as a midshipman in 1800 and had attained the rank of captain in 1825. He had served with distinction in the Tripolitan War, the War of 1812, and the struggle against piracy in the West Indies. He appears to have been on temporary duty between 1825 and 1828, awaiting permanent assignment which gave him command of the frigate Hudson in 1829 and of the Brazilian Squadron, with the rank of commodore, in 1830.

MISCELLANEOUS LETTERS

June 24, 1826

From CHARLES McALESTER, Philadelphia. Refers to his letter of January 21, 1826, to Clay; notes the desire of his company (the Insurance Company of the State of Pennsylvania) to know what prospect it has of “getting their money”; and asserts that, if Colombia chooses to resist payment, his company will “apply for indemnity to” the United States Government. LS. DNA, RG76, Misc. Claims, Colombia. On July 1, Brent, in Clay’s absence, sent McAlester copies
"of all correspondence" communicated to the State Department between Richard C. Anderson and the Colombian Government relating to the case of the Josephine and also extracts of two letters on the subject from (Beaufort T.) Watts and Anderson to the Department (Anderson to Clay, September 19, 1825; Watts to Clay, November 28, 1825). Copy, in DNA, RG59, Dom. Letters, vol. 21 (M40, R19).

From Jonathan Thompson, Custom House, New York. Transmits, in reply to the circular letter (above, June 17), a report "of the vessels and crews that have cleared at this port for Bermuda, and arrived from there, for the year preceding the 31st March last." Notes that the port of New York carries on "perhaps the greater part of the trade" between the United States and Bermuda. ALS. DNA, RG59, Misc. Letters (M179, R64). The enclosure states that 147 American seamen had "been in Bermuda during the year" under consideration.

From William Wirt. Suggests that the enquiry made by (Francis) Jones (above, to Clay, March 18, 1826) should have been addressed to the General Land Office, under the Treasury Department; notes that the Commissioner of the General Land Office (George Graham) has been briefed on the grounds on which the defense ought to rest in respect to the Yazoo claims; warns that the "controversy about to be opened in Alabama on the subject . . . is one of very serious consequence to the U. S."; details a strategy of legal defense; and recommends that because "the question is of such incalculable magnitude to the U. S. . . . the best Counsel that can be commanded should be retained to assist the District Attorney in defending the cause." LS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS

Maurice Fennell, Baltimore, solicits "a situation in some writing department . . ." or in any other position in which he could be of some use. He is a native of Baltimore, twenty-four years old. ALS. DNA, RG59, A. and R. (MR2). Fennell, not further identified, received no appointment.

From James Brown

My dear Sir, La Grange June 25, 1826

I received by the Packet ship which sailed from New York on the 15 Ulto. your letter containing the permission of the President that I should pass four or five weeks at the Waters of Aix in Savoy.¹ I beg you will express to him my thanks for this indulgence of which I shall not avail myself beyond four weeks from this time. Supposing it possible that in the month of July you might send me fresh Instructions, I believed it would be best to loose [sic] no time in leaving Paris, and therefore left it yesterday and shall spend to day with General Lafayette and proceed with all expedition on my journey to morrow. Since my last visit to Savoy I have suffered no pain, but have felt a derangement in my whole nervous system, and a disposition to insomnia which is extremely unpleasant and from which I am assured tranquility, travelling,
and the mineral waters, will completely relieve me. I have had as you know little to attend to beyond the current business of the office and Mr Sheldon² who will remain at Paris will meet with no difficulty in doing that in a very satisfactory manner.

I could write you that the Emperor Don Pedro has renounced the Crown of Portugal in favor of his daughter an infant seven years old, has given a Constitution and Peerage, to that Kingdom and directed that the daughter shall be affianced and when of a competent age married to her Uncle Don Miguel the brother of Don Pedro, and subjected the renunciation to the Condition that the Marriage shall be Contracted and the Constitution accepted in Portugal.³ All this news and much more in detail than we have it here must long before you will receive this letter reach you by Vessels arriving directly from Rio de Janeiro. It may be more interesting to you to hear what impression this intelligence has made on European Statesmen who have attached great importance to the question of the Portuguese succession and have waited with anxious impatience for the determination of the Emperor of Brazil in relation to it. The intelligence reached Paris from Brest by a Telegraphic dispatch and was published immediately holding back only the part announcing that the Emperor had given a Constitution to Portugal. It was received by the intelligent Prussians Russians, and Austrian [sic] with delight but this pleasure seemed greatly diminished by the publication of the plan of a Constitution, which was received coolly [sic] by them, and it is said has given great offence to Spain. I have felt some surprize [sic] at reading the names of the Portuguese peers and finding among them the Duke of Abrantes who was banished for the assassination of the Marquis of Loulé and the Nephew of the Marquis who upon his death succeeded to the Title.⁴ The return of Don Miguel to power and to Portugal will alarm the liberal party, many of whom are in Exile at Paris, and will fear to return unless they find protection in the adoption of a good Constitution and a firm and liberal regency.

The Chambers have nearly closed their Session, and I am disposed to believe that Ministers are firm in their places for some time at least although they are opposed by very strong parties every where unless it be in the Chamber of Deputies. The avowal of the existence of Jesuits in opposition to Laws banishing them from France laws declared by the Tribunals to be still in force has created a very strong sensation⁵ and some marks of violent resistance to them have been visible a [sic] Roe⁶ and in some other parts of the Country. The Courts and Lawyers like the Antient Parliaments are violently opposed to this order and will make to their inroads upon Society all the resistance in their power. I rather thing [sic] a Majority of the Peers is hostile to them, but as they
are supported by Ministers and by the Chamber of Deputies, and are extremely adroit and insinuating it is very probable they will gain a fearfull [sic] ascendancy in France as they have already done in Spain Italy and some other States of Europe. The papers and circles in the Salons are now occupied with Theological controversies, which remind us of the disputes of the Jesuits and Jansenists two centuries ago.

If you cannot deduct the three thousand francs for which I drew on you from my salary, I pray you to draw on me at sight. I should send you a Bill if I did not fear that the drafts might pass each other at Sea as in the former instance

The farm of La Grange is beautifull [sic] and the family numerous united and perfectly happy. Mrs. Shaw a daughter of our Revolutionary General Green with two of her nieces are here and we shall pass our time delightfully.

Mr Randolph as you will see made one of a large party given to Mr Huskisson at Liverpool where he made a Speech praised the British Government and abused Cobbett. I have not heard whether he intends to visit the Continent or remain in England. I cannot believe that he made in the Senate the Speeches which have been published as his in the New York American. Unless the character of that body is greatly changed he would have been called to order for saying one fourth part of what is attributed to him

Mrs. Brown continues in good health and sends her best salutations to her Sister

I am Dear Sir very truly Your friend &c— JAMES BROWN

Honb Henry Clay—

ALS. InU. Endorsed by Clay: "... acknowledged...." Answer not found.
1 Above, May 3, 1826. 2 Daniel Sheldon.
3 Cf. above, Raguet to Clay, May 6, 1826.
4 José Maria da Piedade de Lencastre Silveira Castelo Branco de Alme de Sá e Meneses, the fourth Marquis Abrantes, an absolutist adherent of Dom Miguel, had been implicated in the murder in February, 1824, of Aghostinho José de Mendoça Rolim de Moura Barreto, Marquis de Loulé, liberal councilor of John VI. To avoid arrest, Abrantes had fled to Italy. Under a decree of general amnesty, he was now invited to return to Lisbon. He rejected the offer, attempted to lead a revolt from Spain in behalf of Miguel's pretensions to the throne, and subsequently fled to England, where he died the following year, suspectedly by poisoning. Nuno José Severo de Mendoça Rolim de Moura Barreto, the son, not the nephew of Loulé, succeeded to his title.
5 Cf. above, Brown to Clay, October 29, December 12, 1825.
6 Place not identified; several additional letters appear to have been crossed out.
7 Cf. above, Brown to Clay, June 12, 1826.
8 Louisa Greene (Mrs. James) Shaw, the second daughter of General Nathanael Greene, who had commanded the Continental Army through the southern campaign of 1780 to 1782, had been presented to Lafayette during ceremonies jointly commemorating Lafayette's visit and the erection of a monument to her father, at Savannah, in 1825. The nieces who accompanied her to France have not been identified.
9 John Randolph, who in May had embarked on his third voyage to Europe: William Huskisson; William Cobbett. English journalist, pamphleteer, politician, and
agriculturist. Cobbett, who had resided in the United States from 1792 to 1800 and from 1817 to 1819, during the first period had strongly supported British Loyalist and American Federalist causes and in the latter had as vigorously defended liberal reforms. For this change in position, he received much ridicule.

**INSTRUCTIONS AND DISPATCHES**

**June 25, 1826**

From A[LEXANDER] H. EVERETT, Madrid, no. 38. Encloses copies of correspondence between himself and the British and French Ministers to Spain, from whom he has learned "that the French Ambassador [the Marquis de Moustier] has had no orders whatever from his Government on the subject" of an armistice (between Spain and the new American Republics) and that the British Minister (Frederick J. Lamb) "made no direct proposition but merely a preliminary suggestion as reported" (see above, Everett to Clay, June 2, 1826). States that, upon "Finding that the affair was thus entirely open," he (Everett) addressed "a note immediately to the Duke del Infantado," proposing "the armistice to him in a formal way," and that he sent copies of this note, with letters of explanation, to the French, British, and Russian Ministers. Encloses copies of the correspondence. Notes that the Russian Minister (Pierre d'Oubril) has received some new instructions, "rather of a more favorable cast than the preceding," and that "The Russian Government seem to have been well satisfied with the proceedings in regard to Cuba and Puerto Rico." Promises "complete notes hereafter" on "conversations with the British and French Ministers and with the Duke del Infantado." Adds that "The remarks of the Duke were conciliatory ... , but evasive ... ; and promise little or nothing at least for the moment." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, III, 2132-33.

**DIPLOMATIC NOTES**

**June 26, 1826**

From C. N. BUCK, "Consul general of Hamburg to the U. S. of America," Philadelphia. Transmits a "writing from the Senate of Hamburg to the President of the United States," denying the existence "in the Port of Hamburg ... of discriminating duties ... upon vessels belonging to citizens of the United States, or upon the produce, manufactures, or merchandize imported in the same port of Hamburg from the United States, or from any foreign country"; cites the measure "introduced in the Senate of the United States relative to the abolishing of discriminating duties" (cf. above, Clay to Lederer, December 20, 1825, note); and notes the wish of the Senate of Hamburg to "have the full benefit of the Bill proposed, if such should become a law. ..." LS. DNA, RG59, Notes from Foreign Consuls, vol. 1. Cf. above, Cuthbert to Clay, March 31, 1826; Dwight to Clay, April 24, 1826, note. Buck has not been further identified.

**MISCELLANEOUS LETTERS**

**June 26, 1826**

From ALBERT GALLATIN, New York. Acknowledges delivery, by (George E.) Ironside, of "three trunks and a tin case," but finds "from a perusal of the list accompanying them" that certain items, including a "Passport, absolutely wanted," and a "Cypher," have been omitted; notes that he is to sail "on
From Richard Henry Lee, Leesburg. Acknowledges receipt of Clay’s letter of June 21. Explains that, although he has not minutely examined the (Arthur Lee) papers, which he has sent to (Daniel) Brent, “some material information may be gained, on the subject of the several sums of money advanced by the French Court, thro’ M. Beaumarchais.” The documents bear out, he claims, the assertions that the three million livres granted by the king from the royal treasury “were all applied to the purchase of supplies for the U. S. thro’ the agency of Beaumarchais . . .” and that “the million advanced by the Farmers General did not form any part of the three million.” ALS. DNA, RG59, Misc. Letters (M179, R64).

From Hugh R. Merseilles, Bridgeton (New Jersey). Refers to his letter (above) of January 13, 1826; reports that John I. McChesney has been replaced as editor of the Washington Whig by Robert Johnston, who has combined the paper with the Bridgeton Observer; states that Johnston will continue publication of the laws, for which “the compensation is still payable to” Merseilles. ALS. DNA, RG59, P. and D. of L. Appended [ES] is Johnston’s agreement to this arrangement. Johnston has not been further identified.

From [Jules de] Wallenstein

Philadelphia June 27th. 1826.

I would not have omitted to avail myself earlier of your Kind permission to bring me to your friendly recollection, if I had not been apprehensive to interrupt, even by a letter, the first moments of repose which I wished and hoped you would enjoy. I have heard with concern of your indisposition, but could happily soon after rejoice in your recovery. Now that you are about to leave Washington for a few weeks, I beg leave, my dear Sir, to offer you my best wishes and to assure you anew of my unfeigned and most respectful affection. Your visit to Kentucky cannot fail to be delightful, if you are blessed with the health I wish you. If you find that part of the country in so prosperous a situation as I have found those thro’ which I have lately travelled, you will feel all the satisfaction of a patriot elated with the felicity of his fellow-citizens. Your merits and services cannot be less valued in your own State than in those I have just visited: and the esteem and respect in which you stand there, tho’ nothing but a just reward, exceed probably the expectations of your modesty and answer the wishes of your friends and admirers. I beg you, my dear Sir, to include me always in their number: and this honour I shall ever be happy to deserve by my sincere attachment, my gratitude and a lively interest in all that concerns you.

Permit me to tender my respects to your Lady, and believe me
ever with the utmost regard; Dear Sir, Your faithful and obliged servant

Hon. Henry Clay. &c. &c. &c.

LS. DLC-HC (DNA, M212, R2). Wallenstein had been “conseiller de Cour,” attaché to the Russian Legation, at Philadelphia, since April, 1823.

1 See above, Clay to Brooke, June 14, 1826.

INSTRUCTIONS AND DISPATCHES

June 27, 1826

To ALBERT GALLATIN. Daniel Brent, “by direction of Mr. Clay,” transmits a copy of Clay’s instructions to (Rufus) King, November 15, 1825, and copies of earlier documents on the subject (of possible cession of Abaco), with the comment: “It is the wish of the Secretary that you should prosecute this interesting business to a conclusion. . . .” Expresses regret that he cannot supply the map used by King but suggests that a copy will be found in the files of the Legation. Copy. DNA, RG59, Dip. Instr., vol. II, pp. 142-44 (M77, R6).

From RUFUS KING, London, no. 29. Acknowledges receipt of Clay’s communication of May 2; encloses copies of correspondence with (George) Canning in regard to presentation of his “Letters of Recall”; notes that he will sail on July 6. LS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M80, R29). Received August 17.

From CONDY RAGUET, Rio de Janeiro, no. 11. Reports the publication, without comment, in the government papers, of news of the fall of Callao (see above, Allen to Clay, February 23, 1826); French recognition of Brazil by ratification of a convention, drawn up January 8, a copy of which is enclosed, stipulating a maximum duty of fifteen percent, “not to be exceeded for a term of years”; the arrival on a French frigate of “two Consuls General [Charles A. L. de La Forest and Jean Chaumeute des Fossés] on their way to Chile and Peru,” respectively; negotiations by the Austrian Minister (Wenzel Philipp, Baron Maréchall) for a convention with Brazil; a supposition that Lord Ponsonby, still there, will leave in a few days for Buenos Aires (cf. above, Forbes to Clay, June 17, 1826, note); a rumor that Brazil has rejected a proposal, made by Ponsonby, that the Banda Oriental be surrendered “to The United Provinces, upon the payment of an indemnity”; a belief among English merchants that an overture was made, and rejected, for Britain to undertake “the protection of that Territory as an Independent State”; and the wish of all British subjects in that part of South America “to see Brasil dispossessed of Monte Video.” Encloses a copy of an anonymous pamphlet, “in some sort official,” criticizing Great Britain for proposing mediation “upon the basis of a surrender of that Territory . . .” Relates information from Montevideo concerning the blockade, “under the new Admiral [Rodrigo] Pinto [Guedes],” and the land warfare. Asserts, as proof of “the depravity and corruption of this people,” that “the public decency has not at all been shocked” by the adultery of the Emperor (Peter I), his elevation of “a known prostitute,” the Viscountess of Santos, to a position of such influence “that at this time, scarcely any applications for office or honours of an important nature are made, except through her hired instrumentality,” and the award of the title, “Duchess of Goya,” to their illegitimate daughter. Notes that “The blockade of the river Plate is . . . beginning to” injure British merchants, who now “admit the
correctness of the United States system (of neutral rights), and cites specific cases of friction between the British and the blockading force. Expresses pleasure at the increase of the United States naval force in the area. Warns that Brazilian consuls have been sent abroad, one,(Francisco Joaquin de) Lima, to the United States, with authority to exact a heavy tax on vessels bound to Brazil and adds that he presumes this procedure to be “altogether inadmissible” to the United States. Cites critical comments, published locally and probably taken from an English paper, on the decision of the United States to participate in the Panama Congress. Comments on the ineffectuality of the Brazilian Assembly. Notes a report of the purchase by Buenos Aires of four Chilean vessels. Adds, in a postscript dated June 28, that he is enclosing copies of “the Spectator of 22d & 23d Inst.,” in which is published “a correspondence” between the British consul at Montevideo and Admiral Pinto. Notes that “The latter assumes the British doctrine of blockades, maintaining that a ship is liable to capture if bound to a port, known to be declared in a state of blockade, at the time she sailed, or at any time during her voyage, and that an effective force on the spot, is not essential to render a capture valid, inasmuch as the declaration, and the notification to neutral nations is binding upon them.” Warns: “These pretensions will no doubt be enforced against our vessels, unless resisted by physical means.” ALS. Ibid., Brazil, vol. 5 (M121, R7). Received August 31. Extract published in American State Papers, Foreign Relations, VI, 1028.

La Forest, who had formerly served as French consul at Philadelphia, remained as consul general at Santiago from 1826 until at least 1830. Chaumette des Fosses had held a succession of consular assignments over the past twenty years in Europe and now was to remain the next fifteen years in America.

Baron Marechal had been Secretary of Legation for Austria in Russia in 1811 and 1812, was Austrian Charge des Affaires to Brazil from 1819 to 1830, and became Envoy Extraordinary and Minister Plenipotentiary to the United States from 1838 to 1841.

Lima arrived, as consul general from Brazil to the United States, in September, 1826.

MISCELLANEOUS LETTERS June 27, 1826

From B[RAZIL] W. PRYOR, “Collectors Office Norfolk.” Forwards, in answer to Clay’s communication of June 17, a report on the thirty-five sailors who cleared for Bermuda during the year ending July 27, 1826. Notes the improbability that more than three of these men “would be so unfortunate as to become destitute and distressed.” ALS. DNA, RG59, Misc. Letters (M179, R64).

INSTRUCTIONS AND DISPATCHES June 28, 1826

From HEMAN ALLEN, Valparaiso, no. 33. Transmits “copies of the various documents specified” in his last dispatch (above, June 10, 1826) and a translation of the note of the Minister of Foreign Relations (Ventura Blanco Encalada), “announcing the mission of Mr. Egana to the United States.” ALS. DNA, RG59, Dipl. Disp., Chile, vol. 2 (M-T2, R2). Received November 25. Blanco Encalada, born in the region which was subsequently organized as Bolivia, educated in Spain, and active in the struggle for Latin-American independence, had become Minister of Foreign Relations in 1825. Later in 1826 he assumed the position of Minister of the Interior.
From Albert Gallatin

No. 1 New York 29th June 1826

Sir.

I had the honour to receive on the 26th instant, through Mr Ironsides, your despatches No. 1 to 4, dated 19th to 21st of this month, together with the accompanying books and documents:

There has not been time sufficient thoroughly to examine instructions so voluminous and applying to so many important subjects: and I embark day after to morrow. This must be my apology, if I have not fully understood some parts of the instructions, and for any erroneous views of the subject, which may be discovered in the cursory observations I beg leave to submit to your consideration.

I. North Eastern boundary. I had understood that it was intended to confide to me the negotiation, which the Government of the United States is desirous to open with that of Great Britain, in order to attempt to settle the differences on that matter, and to avoid the difficulties which lie in the way of a settlement of the question in the mode stipulated by treaty. And my full powers, which must be communicated to the British Commissioners at the very outset of any negociation, authorise me to treat and to sign a convention or treaty on the boundaries generally between the two Countries. But, according to the instructions, I am only authorised to try to have the subject referred to a direct negociation at Washington; and should that attempt fail, and the British Commissioners agree to the other proposal, that of a statement of the case agreed to by both parties and to be exhibited to the Umpire, the modifications of that statement if it is drawn by the British Government, or the preparing of it if drawn by the Government of the United States, are also to be referred to Washington without any agency on my part.

This course will render my task very simple and easy, and though somewhat unpleasant to me on account of the apparent discrepancy between the powers and the instructions, I may give an explanation at the time of communicating the Powers. But it seems to me that there may arise cases under which a more enlarged authority would be advantageous to the public service.

The great inconvenience of a reference to a third Power is acknowledged: and much injury may arise to the United States from the manner in which the subject will be presented to that Sovereign if no statement of the case is agreed on. Prussia is amongst the Powers I am directed to propose. She lives in daily and deadly fear of Russia, relies for support principally on England, and has nothing to fear or to hope from the United States. Mr
Canning, in one of his notes to Mr King, says that she is less under the influence of Russia than is generally supposed. There is little doubt that she will be the choice of England. Even if struck from our list, the same considerations, though with less force, will apply more or less to every other European Sovereign. But supposing that we have an Umpire, who, if not altogether impartial, may have sufficient respect for character not to commit a flagrant injustice, he may find sufficient pretences to cover this, in the very imperfect and improper manner in which the proceedings of the Commissioners have been carried on.

At the first outset, the British Commissioner refused to concur in surveying and ascertaining the meridian line from the source of the St Croix river to the point contended on the part of the United States to be the North West corner of Nova Scotia, and he equally refused to have the residue of the boundary, as claimed by the United States, surveyed under the joint authority of the Commissioners. In a suit between individuals where the title to a tract of land or certain boundaries are [sic] in question, the first order of the Court is to direct a survey to be made which shall clearly exhibit the conflicting claims of the contending parties. Such survey decides no question and is intended only to enlighten the tribunal, to place all the facts before it. In the case now under consideration, the survey of the territory, showing the lines contended for by each party, was equally necessary, either to enable the Commissioners to make a correct decision, or with a view to the contingent reference to a third Power. The refusal to concur in so reasonable a demand was so preposterous, that a stand should at once have been made on that ground: instead of which, if I understand rightly the proceedings, the Commissioner of the United States assented to a survey under the joint authority of the Commission, of the river Rostok, and to an ascertainment, by barometrical observations of the height of certain hills or ranges of hills; thereby seeming to admit that the extraordinary ground assumed by the British Government was tenable and in fact more tenable than our own. Finally the British Commissioner made a very long report to both Governments, in which all the facts and arguments on that side of the question are embodied and brought together in view. And, on application for the report of the Commissioner of the United States, I was informed at the office of the Department of State, that there was no other, but a reference to the arguments of the Agent and to other papers & maps, most of which were made without the joint authority of the Commission and are only to be considered as ex parte evidence.

These facts are alluded to, only for the purpose of calling once more your attention to the very unfavourable position in which
the United States may be placed before a third Power. If the British Government shall reject the two proposals I am authorised to make, that for a direct negociation at Washington, and that for a statement of the case mutually agreed to; and if, according to the instructions, I acquiesce in the immediate reference to a third Power, who will have to decide on official reports and compleat evidence on one side and on inofficial statements and ex parte evidence on ours, it is much to be apprehended that, with the right entirely on our side, a decision may be given against the United States and the undeniable territorial rights of the State of Maine. Every effort at least ought to be used that may avert that result; either by increasing the chances of a direct negociation, or by raising reasonable objections against a reference, unless a joint statement shall be agreed on, or all the informal or ex parte maps, surveys &c. on our part shall be admitted by Great Britain as of equal weight with those on their side.

A previous direct negociation is not provided for by treaty. If when we ask for it, the British Commissioners shall acquiesce in our demand, but insist that the negotiation shall be carried on in London and not at Washington, I am not authorised to agree to this; and the chance of a negotiation may be lost. I beg leave to observe that provided we can only obtain that a negotiation shall be opened any where, it not only gives a chance of an amicable final settlement of that important point; but it also gives us opportunities of supplying the want of a joint statement and the defects in the proceedings of the Commissioners, by inserting in the Protocol such paper or papers in support of our claim as will be a substitute for either and must necessarily go as an official paper before the Umpire, if a reference becomes still ultimately necessary. Finally, the negociation may be protracted to a certain extent, giving thereby also a chance of a better sense of justice and more friendly disposition pervading the British councils; and it may ultimately be transferred to Washington, if that course should appear to both parties best calculated to promote a friendly arrangement.

With this view of the subject I respectfully submit to the consideration of the President the following modifications to that part of the instructions.

1. that I may be authorised to open the negotiation, on that point, in London, in case, either this should be insisted on by the British Commissioners, or I should think that course most favourable to the interest of the United States. I think that I may be safely trusted in that respect. It has ever been my first wish, not that business should be transacted by me, but that it should be done in the manner most advantageous to the Public service. Whilst in
France, I did not hesitate to have the negotiation respecting discriminating duties referred to Washington, the moment I was satisfied, and experience proved that my decision was correct, that there was a better prospect, in that way, of adjusting the differences on that subject. But I do not care how strict & limited the authority that may be given to conclude an arrangement. The important point at present, in my view of the subject, is to open a negotiation rather than to make immediately a final adjustment or compromise. In thus limiting the authority, the difficulty may be obviated, which may arise from the necessity of consulting the wishes of the State of Maine before a conclusive arrangement can be made.

2. that in case of a refusal, on the part of Great Britain, either to open a negotiation at Washington or London, or to agree to a joint statement of the case, I may not be bound to propose an immediate reference to a third Power; but that I may be allowed to raise such previous objections to that reference as I may think tenable and consistent with good faith. A demand that a survey of the country in dispute, exhibiting the lines contended by each party, should previously be made under the joint authority of both Governments, or, if on inspection of the maps, arguments &a. they shall appear sufficient, that those maps, & surveys though taken ex parte should be admitted as if made by common consent, are the first that occur to my mind: but other objections as valid may be suggested by a further inspection of the proceedings & documents. And this is one of the reasons why I have already requested that they might all be transcribed and forwarded to me.

II. The boundary West of the Stony mountains. The parallel of the 49th degree of North latitude will intersect the Caledonia river a short distance above its mouth, leaving the mouth to the United States; and almost the whole course of the river to Great Britain. This renders it improbable that she will accede to our proposed line without modification. A deviation not greater than what may be sufficient to give them the mouth of that river, would be of no importance to the United States, and might facilitate an arrangement. The two Governments being in some degree committed by the respective rejection of the line proposed by each, the pride of both may be saved by a small alteration in the line; and this consideration is in practice not to be altogether disregarded.

The time proposed for permitting British subjects to continue in settlements, heretofore made South of the 49th degree of latitude, seems too short. Five years are hardly sufficient to close and withdraw from the business in which the occupants are engaged. If no adjustment of the boundaries can be concluded, and the convention of 1818 is prolonged, ten years possession will be allowed merely
in order to prevent collisions. An equal or even longer period may certainly be allowed for the sake of coming to a final arrangement. And I should suggest 15 instead of 5 years as the longest time that should be allowed for the final evacuation of the country by British traders, if that period should be insisted on as a condition of such an arrangement.

The British are excluded from any share of the Indian trade within our limits east of the Stony mountains, not by virtue of any special treaty stipulation, but as a natural consequence of the territorial Sovereignty of the United States. To provide specially for that exclusion west of the Stony mountains does not seem necessary: but if deemed useful, it seems to me that it should be extended to the whole Indian country, as otherwise an unfavorable inference might be drawn against our right to exclude on the east side of the mountains.

III. St. Laurence [sic] navigation and intercourse with Canada. This subject, though perhaps less important at this time than other points of difference, and although the real interest of Great Britain does not essentially differ from ours on that question, is one of the most difficult and intricate to arrange by treaty.

Generally speaking, two courses present themselves; 1. to insist on the right & wait for a favourable opportunity to assert it, even at the risk of losing for the present the advantages which might be derived from a practical arrangement. 2. to waive for the present without renouncing the right, and to make a commercial arrangement which may remove or lessen the evils now complained of.

To look simply at the letter of the Articles A. & B., the first course appears to be that which the President has determined to adopt. The Article B. is stated to be a minimum, to secure the least that we can take. And it provides that the navigation of the St Laurence within the British dominions shall ever remain free & open to the citizens of the United States, and that to render effectual that right, His Britannic Majesty will permit them for five years to have places of deposit at Quebec & Montreal, and afterwards, either to continue that permission, or to assign them an equivalent establishment on the Banks of the St. Laurence. Nothing more can be asked as a matter of right. It is a complete admission, though not recognition, of the right claimed by the United States, and with all the characteristics belonging to a matter of right, vizt. perpetuity and want of reciprocity. In this last respect, the real reciprocity consists only in the right obtained by the British to navigate that part of the channel of the St Laurence which is exclusively within the United States: but they are admitted in none of the navigable lakes, connected with the St
Laurence, which are exclusively within the United States, whilst the citizens of the United States are to enjoy the navigation of the St Laurence within the British dominions. This want of reciprocity would hardly be proposed in a commercial arrangement founded solely on mutual convenience: its propriety rests on the inherent right of the citizens of the United to [sic] navigate the River St. Laurence through its whole extent.

I am sure that, if this is the ground really intended to be adhered to, I can add nothing to the forcible argument urged by Mr Rush, and I certainly can entertain no hope of succeeding better than he did. Neither this nor any of the preceding observations are made for the purpose of raising any objection whatever against that course, if it has been decided on. I only fear that I may mistake the object in view. Perhaps it is not intended that I should strictly adhere to the article or articles A. & B. There are several passages in the instructions whence it might be inferred, that the intention was to waive the right for the present without renouncing it, & merely to make a temporary practical arrangement. Thus it is there said—that it is more agreeable to turn from a protracted discussion, which, although we are entirely confident of having the right on our side, may terminate by leaving each party in possession of the same opinion which he entertained at its commencement, to the consideration of some practical arrangement which, if possible, shall reconcile the views of both—and that the mutual interests of the two countries, independent of any considerations of right in the navigation of the St Lawrence, should produce an arrangement satisfactory to both parties. And again, though literally limited to the articles A. & B. it is anticipated that such an arrangement may be made, when, without any authority to discuss them, I am instructed to take any counter proposals which the British Government may offer, for reference to my own. For what purpose is that reference, if in fact the Article B. secures the least that the United States can take?

But if the reference alluded to is only intended as an act of courtesy towards the British Government, if it has been determined not to treat on the subject of the navigation of the St. Lawrence properly so called, unless the substance of the Article B. & which is common to the Article A. can be obtained, I do not understand in case that article is rejected what objection there can be to secure by a treaty stipulation if practicable that exemption from duties of our produce or of the principal articles of it when imported into Canada, which it seems it would be satisfactory to obtain, though with no better guarantee that [sic] some assurances of the British Government. This exemption or at least a considerable reduction of
the rate of such duties would be a mere commercial regulation, unconnected with and not at all affecting the question respecting the right of navigating the St Lawrence, and would, it seems, afford at this time more relief than any other measure. It is in fact nothing more than confining the treaty stipulation to the subject matter of that paragraph of the Article A. which is not common to the article B. I have been led to take this view of the subject from the perusal of the report of the committee of the Legislature of New York dated March 28th 1825. Though they may not be authority on questions of international law, they must certainly be allowed to understand the practical question, the interest of their constituents, the real grievance of which they complain, the remedy which will remove it.

In that report, the Committee say expressly that "the right to navigate the St Lawrence can be of very little use to us, unless we are allowed to trade at Montreal and that our trade there is placed on a liberal footing," and again, alluding to the right of deposit, that "it will afford a very uncertain and feeble protection to our northern citizens." The reasons for both opinions are given at large in the report; and they appear to be correct, so far at least as relates to the lumber trade, which, since the great canal is navigable, constitutes almost the sole object and for a long time will continue to be the principal object of exportation from the United States to Canada. To be liable to no duty or to an inconsiderable duty there is the only efficient remedy to the evil, unless resort be had to retaliation.

It would follow that if, contrary to expectation but in conformity with the instructions, the Article B. was to become part of a treaty, it would for the present afford no relief to the inhabitants of the St Lawrence country. And we would moreover lose thereby what is considered by them as the only mode of obtaining redress, since the British obtaining by that article the right of navigating that channel of the river St Lawrence, which is exclusively within the dominions of the United States, their exclusion therefrom could no longer be used as retaliation for the purpose of compelling them to repeal the extraordinary duties complained of. This, it will be perceived is another difficulty in the way of an amicable arrangement on that subject. Had I any opinion to give upon it, it would be this.

First to determine whether it is best to adhere to the right of navigating the river St Lawrence, without compromise, or to waive the right for the present but without renouncing it.

In the first case, to try to obtain by treaty an exemption or considerable reduction of duty on the principal articles of our produce
into Canada, stipulating a reciprocal exemption or reduction on similar Canadian produce including furs imported into the United States, and to be silent on the subject of the navigation of the St. Lawrence unless the British assent to give up the point in the manner provided by the Article A.

In the second case, to try to make a temporary arrangement, both for the navigation and the importation of our produce, similar in substance but not in form to the Article A. But to give this any chance of success, there must be reciprocity, and I apprehend that the British would ask the right to navigate Lakes Champlain and Michigan; to which there may not be any objection, provided there is an express provision against this giving them the right of participating in the trade with our Indians.

In no case whatever to propose the Article B.

IV. Colonial trade. Not having the late acts of Parliament, and, on account of the many details belonging to the subject, I cannot say that I understand yet fully the scope of the instructions. One branch only has struck me because it was new to me. It relates to the claim of carrying colonial produce in American vessels to any foreign other than British port. In case the British should refuse this privilege or decline the offer of a general abolition of discriminating duties every where and without regard to the nature or origin of the merchandize, I am instructed to have a clause inserted reserving the right to each party to restrict the trade between the United States and the British colonies to the direct intercourse between them. I wish to understand precisely what is meant by these last words. Is it intended to prevent British vessels coming to the United States from the British colonies from going from the United States to any other port, British or foreign, than the British colonies? or to prevent any British vessel, unless she has come from the British colonies, from sailing from the United States for the said colonies? Or is any other restriction contemplated? A clause in general words may be proposed; but explanations respecting its operation will be asked.

V. Articles proposed to Mr Rush by the British Commissioners at their 22d conference. I presume that these articles being generally for the convenience of Great Britain, though authorised to accede to several of them, this is discretionary, and not to be done, unless a satisfactory result has been obtained on other points. But permit me to add some observations on some of those articles.

1. Mutual delivery of criminals. This subject of extra tradition [sic] has ever been in practice one of the most delicate and difficult of the law of Nations. Even when free of many abuses & confined to the offences of murder & forgery, the surrender of a citizen will
ever be odious and even that of an alien unpopular. National pride may feel interested in the question: but the difference between our penal codes and that [sic] of Great Britain and those perhaps existing in the administration of justice in the two countries form [sic] a solid objection. Questions on the evidence in support of the demand for surrender perpetually arise in the countries where the principle has been adopted. The article of the treaty of 1794 with Great Britain which embraced a similar provision was originally opposed as interfering with State rights, and the only attempt, within my knowledge, to carry it into effect was not fortunate. The case of Jonathan Robbins [sic] gave rise to two important questions. Was the act committed murder for which the man should be surrendered, or piracy according to the law of Nations for which he was punishable and ought to be tried in the United States? Ought his claim to be a citizen of the United States to have been examined before he was surrendered? The excitement caused by the surrender of that man, its effect on popular opinion are well known. Is it wise, is it sound policy, on a question of doubtful utility and minor importance, to awaken ancient recollections and feelings? perhaps to endanger a whole convention in other respects acceptable?

2. Deserters. The surrender of those belonging to the navy has, by every successive administration, been considered as intimately connected with the question of impressment, and as a concession to Great Britain, not to be made, unless she expressly renounced her pretensions to impress on board the vessels of the United States.

3. Protection to merchants in case of war. This article is unexceptionable but does not go far enough. The protection should be extended to all vessels belonging to either party and being in the ports of the other party at the time of the war being declared or known. The United States acted on that principle at the commencement of the last war, whilst Great Britain seized and condemned the american vessels in her port [sic]. Indemnity was afterwards refused, and the distinction maintained between property on shore or floating. To abolish this should be insisted on our part.

I have not time to transcribe or to correct; and this letter bears evident marks of the haste with which it has been written. Whilst I request that the observations it contains may be respectfully submitted to the President, I need hardly add that, in the mean while, the instructions shall be faithfully executed to the best of my abilities. But it is a matter of considerable regret that they had not been sooner made known to me.

I have the honour to be respectfully
obedient Servant
ALBERT GALLATIN
The honble Henry Clay Secy of State

Washington
INSTRUCTIONS AND DISPATCHES

June 29, 1826

From Heman Allen, Valparaiso, no. 34. Refers to his earlier dispatches relative to the "revolution [in Chiloe] . . . in favour of O'Higgins" (above, June 10, 1826) and to the banishment "about eight months since, [of] a number of disaffected, influential persons, of the O'Higgins party . . . to Peru, where it appears, they have been forming plans, for the return of that adventurer" (above, November 5, 1825 [dispatch no. 22]). Notes the alarm created by a report that (Simón) Bolivar would furnish troops to replace "O'Higgins in the government of Chile"; events in Peru that leave Bolivar "virtually Dictator, at least for two years longer"; the latter's increased "popularity with the fanatical and aristocratical parties"; the arrival of letters from Peru indicating plans to create "revolt in some of the provinces [of Chile], which is to be the signal for the party in Peru to embark"; and the inability of Chile to "make a successful stand, at least for the moment, against such a force." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received October 19.

From Alexander H. Everett, Madrid, no. 39. Transmits "a translation of the new Tariff which went into operation on the first of last month"; notes no "very material changes" other than those mentioned in his "despatch transmitting the original" (above, March 25, 1826). Reports that "Commerce is now at a stand in this country; and the little that is left is mostly contraband . . . ." LS. Ibid., Spain, vol. 26 (M31, R28). Received August 16.

MISCELLANEOUS LETTERS

June 29, 1826

From Clifton Wharton, Turk's Island. Reports that he has been delayed by shipwreck, on June 20, but escaped with "the most important of the papers" and will continue his journey. ALS. DNA, RG59, Letters from Bearers of Dispatches.

INSTRUCTIONS AND DISPATCHES

June 30, 1826

From Joshua Bond, Montevideo. Reports his return to Montevideo from Buenos Aires in April. Cites an order, issued in consequence of the incident involving the Grace Ann, prohibiting departure of vessels carrying merchandise, not the product of Montevideo and much in demand in Buenos Aires, unless a bond, issued only by persons holding real estate, is posted equal to the value of vessel and cargo, and comments that, while not yet rigidly enforced, the regulation is "most injurious" to American merchants. Notes that Admiral (Pinto) Guedes superseded Lobo early in May; that since then numerous vessels have been seized "in consequence of having cleared out for Buenos Ayres after information was received of the blockade in their respective countries"; but that American vessels have escaped such treatment, except the brig "Leonidas of Boston,
Bartlett master,” which, upon arrival from Canton under charter for Buenos Aires by English merchants and citizens of Buenos Aires, was brought in by a prize crew “and ... ordered for Rio de Janeiro, on account of having enemy’s property on board.” Charges the (Brazilian) fleet with impressment and mistreatment of American seamen; advises that only a naval force will bring about their release; adds that, while the naval commanders have acted offensively, authorities on shore have treated both citizens and the flag of the United States with civility. ALS. DNA, RG59, Cons. Disp., Montevideo (M71, R1). Received October 12.

From THOMAS L. L. BRENT, Lisbon, no. 23. Notes that the Queen (Carlota Joaquina) has not conducted herself with dignity during the period of mourning for her husband (John VI); that Dom Miguel has stated publicly his respect for “the arrangement made by the late king”; that the Emperor of Austria (Francis I), in an exchange of letters with Miguel, has expressed approval of the measures; and that, with the acknowledgment of the regency by Spain, discussions between Portugal and Spain have been terminated. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received August 24. Cf. above, Brent to Clay, March 6, 7, 1826. Enclosures include an exchange of letters between Brent and the Count of Porto Santo, concerning the Osprey, in which it appears that the Portuguese Government has decided to investigate all such claims prior to settlement of any.

From ALEXANDER BURTON, Cádiz. Transmits an unpublished report “of the wretched state of this Kingdom lately addressed to the King [Ferdinand VII], at his instance by Don Xavier de Burgos, formerly a lawyer of eminence at Madrid.” ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received August 16. Francisco Xavier de Burgos, at this time residing in Paris, was known for his literary and historical studies as well as for public administration. In 1833 he became Minister of Public Works, in which capacity he organized the present provincial divisions of Spain.

From JOHN IRWIN, Port au Prince. Reports an incident involving the brig Aurilla, of New York, from which a seaman deserted, claiming British protection as a British subject; the British consul then cited the captain of the vessel as a British subject, under the principle of no expatriation; local authorities appeared inclined to support the claim, but Irwin’s vigorous stand protected the captain, although he had to pay three months’ advance wages to the deserter. Requests government remonstrance; encloses copies of the correspondence. ALS. Ibid., Cap Haitien, vol. 5 (M9, R-T5). Copy, in MHi-Adams Papers (MR476). Endorsed by Clay: “To be laid before the Pres.” Cf. below, Clay to Vaughan, November 13, 1826.

From CONDY RAGUET, Rio de Janeiro. Comments on the depreciated state of the local currency. Suggests changes in the laws regarding the discharge of seamen in foreign ports; refers to his “copious” remarks on “our laws relating to Consuls, Seamen and Ships” which he furnished in 1824 to a member of Congress; and inquires whether Congress has considered the matter. Adds: “As the laws now stand, our Seamen are an oppressed and injured class of citizens—the American flag can be employed with impunity to cover ships, after being sold to Foreigners. ...” States that the terms of appointing and compensating consuls are in need of revision. ALS. DNA, RG59, Cons. Disp., Rio de Janeiro, vol. 2 (M-T172, R3). The United States House of Representatives in 1824, 1826,
and 1827 and the Senate in 1826 considered action to improve provision for sick and disabled seamen, but no further legislation was passed on this subject. U. S. H. of Reps., Journal, 18 Cong., 2 Sess., 40; 19 Cong., 1 Sess., 157-58; 19 Cong., 2 Sess., 129, 136, 218; U. S. Sen., Journal, 19 Cong., 1 Sess., 214, 248, 308. The other topics which Raguet had raised were not brought before Congress.

Check to P[hilander] Chase

1st. July 1826

Pay to the Right Reverend P. Chase or order the sum of fifty dollars.

H. Clay

The Cashr. of the Office of the B. U. States Washington City.¹

ADS. DLC-TJC (DNA, M212, R16). Successive endorsements, on verso, by Chase and others, conclude with that of George T. Dunbar. Cf. above, Clay to Erwin, April 28, 1826.

¹ Richard Smith.

DIPLOMATIC NOTES

July 1, 1826

From Jose Maria Salazar, New York. Transmits, by order of his government, a copy of Colombia’s acceptance of a declaration, offered by Great Britain and made a part of the treaty between the two countries. ALS, in Spanish with trans. in State Dept. file. DNA, RG59, Notes from Colombian Legation, vol. 1, part 2 (M51, R2). The enclosed stipulation, amplifying the seventh article of the British-Colombian treaty of April 18, 1825 (see above, Watts to Clay, May 10, 1825), omitted the specifications limiting the nationality of vessels of these two countries to those built in their respective dominions “and owned” by subjects of those states, “and whereof the master and three-fourths of the mariners, at least, are subjects” of the designated country. Under the new clause, vessels “captured by the ships of war of either nation and regularly condemned, and those vessels so captured and condemned in virtue of the laws prohibiting the Slave trade” should “also have the right of being considered” vessels of the one or the other country according to the decision of “any competent Court.”

INSTRUCTIONS AND DISPATCHES

July 2, 1826

From John M. Foster, La Guaira. Reports that some members of a Congress, still in session at Valencia, wish immediate separation “from the General Government,” while others favor “a federal representation”; that the country is quiet; that “General [José Francisco] Bermúdez has placed himself in an attitude of defence, waiting the orders of the Government at Bogotá”; and that the forces of Bermúdez are smaller than those of (José Antonio) Páez. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, 41). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1300-1301. Cf. above, Litchfield to Clay, May 22, 1826, note.

SECRETARY OF STATE

From W[ILLIAM] TUDOR, Lima, no. 43. Submits his resignation and requests that appointment of a replacement for himself be made "as early as possible." ALS. Ibid., Lima, vol. 1 (M156, R1). Received October 30.

INSTRUCTIONS AND DISPATCHES

July 3, 1826

From J[OHN] M. MACPHERSON, Cartagena. Reports having been informed by the Intendant (Juan de Dios Amador) that his letter pertaining to Pioli's conduct (see above, MacPherson to Clay, June 19, 1826) had been transmitted to the Commandant General of Marine (José Padilla), who is to investigate the matter; comments that "a great proportion of the men have entered into this service, and many have died of the fever." Notes that "a Colonel Vivier," Dutch delegate to the Panama Congress, was in Cartagena about ten days ago and that he (MacPherson) has a letter from (Richard C.) Anderson, whose vessel was "grounded on a sand bank" between Cartagena and Bogotá. States that the "revolution in Caracas has excited very little sensation here," though only "the presence of General [Simón] Bolivar can avert a civil war," and remarks negatively on the character of the two leaders of the insurrection, General (José Antonio) Páez and Doctor (Miguel) Peña. Mentions that an earthquake recently caused extensive damage at Bogotá, that the Spanish squadron has not been seen since June 19, and that the fever has abated. ALS. DNA, Cons. Disp., Cartagena, Colombia, vol. 1 (M-T192, R1). Copy, in MHi-Adams Papers, Letters Received (MR476). Received July 29.

Jan Verveer (not Vivier), born in Rotterdam, had held administrative positions in the civil guard, the Navy, and as Governor of St. Martin, Saba, and St. Eustatius in the West Indies through the Napoleonic wars. Knighted in 1815, he was acting as an adviser on the fortification of Curaçao at the time of his assignment to the Panama Congress. Unwilling yet to recognize the independence of the Latin American States, William I had directed him to attempt to promote Dutch trade in the area. While on this mission, Verveer, raised to rank of major general, learned of Guatemalan interest in developing a canal through Nicaragua. With the support of his government he returned to Guatemala in 1829 as head of an engineering commission to negotiate for such a project and to conclude a treaty of friendship with the Federation of Central America. The disintegration of that State and the consequent collapse of the negotiations led to Verveer's recall in July, 1831. He died in 1838, while attempting to arrange settlement of a native rebellion in Guinea. L. Knappert and P. J. Blok (eds.), Nieuw Nederlandsch Biografisch Woordenboek (10 vols.; Leiden, 1921), V, 1012-14.

Miguel Peña, a Venezuelan, in 1821 a deputy at the Congress of Cúcuta, which had drafted the Colombian Constitution, and in 1825 a magistrate of the high court of justice, had been impeached, suspended from the bench for a year, and finally removed from office for misuse of public funds. Embittered, he had returned to Caracas and begun agitation against the Colombian Government.

MISCELLANEOUS LETTERS

July 3, 1826

From DAVID DICKSON, Port Gibson, Mississippi. Reports that he has not received his commission and instructions as consul at San Antonio; notes that his friends think "some outfit or salary should be attached to this office, the Country
being unsettled and the business for the present limited," ALS. DNA, RG59, A. and R. (MR2). Cf. above, Clay to Dickson, June 20, 1826.

APPLICATIONS, RECOMMENDATIONS

July 3, 1826

JUDAH LORD, La Guaira, solicits appointment as consul for Caracas; notes that from 1820 to 1824 he was consul at Puerto Rico. ALS. DNA, RG59, A. and R. (MR3). Lord, not further identified, received no appointment.

From John Quincy Adams

Henry Clay Esqr. Secretary of State. Kentucky.

My dear Sir.


Mr Brent¹ has forwarded to you a copy of a Letter from Mr Gallatin, written at New-York, containing remarks upon his Instructions,² which deserve Consideration— It does not appear to me necessary that a detailed reply should be given to them immediately— Perhaps it may not even be requisite hereafter— He appears to consider the Instructions as more restrictive upon his Powers, than we did, or intended to make them. I propose to you to write him a short Letter immediately, stating, that excepting any stipulation, involving a cession of territory, belonging to any State in the Union, or the abandonment express or implied, of the right to navigate the St. Lawrence, or the surrender of any territory South of Lat. 49. on the North-West-Coast, he will in all cases consider his Instructions as expressing our present views, and not as limiting his Powers³— That we wish him to exercise his discretion, in proposing or acceding to any thing which he believes will be satisfactory to the People of our Country, and will probably obtain the constitutional approbation of the Senate.

I hope and trust that your health has derived benefit from your journey, and that it will be entirely restored, by the time of your return to this place.— Govr Barbour, you will see is here— Mr Southard⁴ absent in Virginia. Faithfully your's

J. Q. ADAMS.

ALS. DLC-HC (DNA, M212, R2).

¹Daniel Brent.
²Above, June 29, 1826.
³See below, Clay to Gallatin, August 8, 1826.
⁴James Barbour; Samuel L. Southard.

From Elisha Bates

Respected Friend

Washington City 7th month 5th 1826

On reaching this city I felt considerable regret at being deprived of the satisfaction of waiting on thee, in consequence of thy having taken thy departure for the west.¹

I have left in the care of my friend Gen. Brown,² a copy of the
Doctrines of Friends, which thou wilt please to accept as a small tribute of respect. I do not wish however, to place the subject on the ground of mere compliment. The work was originally written to promote the happiness of my fellow men, through the increase of practical religion. And it is with the same object in view that it is now offered to thy particular notice.

Though I have no doubt the nature & ultimate designs of the Christian religion have claimed thy serious reflection, yet I hope a few observations may not be considered obtrusive.

[Maintains that the principles of Christian religion should be “applicable to public” as well as “to private affairs,” particularly in regard to foreign relations, and that “the history of the world will confirm the position that national evils have been punished with national chastisements: and national virtues have been attended with national blessings.”]

I have no reason to doubt thy ardent desire for the preservation of the peace and prosperity of our country, or to suppose that thy talents will not be directed to the attainment of these great objects. But considering the great importance of the station thou holds, and the blessings that might result from the exercise of thy talents, I hope I shall be excused for adventuring a few observations.

[Notes that, since “War is incompatible with the Gospel, with the happiness of our species, & consequently with the true policy of civil government,” he feels “an ardent desire that the wisdom of nations may be unitedly exerted for its abolition.” Continues: “Nothing can be more obviously incongruous than an appeal to force as a test of right.” Expresses a “desire, that the counsels of . . . [God’s] wisdom may be reverently sought after, and made the rule of action, in all our political concerns,” in which case he is “firmly persuaded . . . the supposed necessity for Wars would cease.”]

The United States at this day presents an interesting example of governments, founded upon liberal principles beyond any others in the world. Here too, it may be remembered, in the infancy of our history, the experiment was fairly tried, of establishing a colony in the midst of a warlike people, without resort to offensive or defensive operations—it was tried, and was crowned with success. How interesting, how important to general society, both of the present and future generations would it be, if now, haven risen to greatness, our government, should so manage our foreign relations—so meet the conflicting views of other powers, not only with talent, but with Christian meekness & forbearance, as to prove that the Gospel is adapted to the condition, and calculated to promote the happiness of such beings as we are—that it applies to all conditions of life, and wherever applied and permitted to
become the governing principle it binds down the discordant passions of the human heart, and "makes men in all situations the friend of man."

That such may be the happy result in our own beloved country, & that thou mayest be an instrument in bringing about a state of things so ardently to be desired, and richly enjoy thyself the blessings connected with it, is the earnest Solicitude of thy friend

ELISHA BATES

ALS. DLC-HC (DNA, M212, R2). Addressed: “Henry Clay Secretary of State Polite attention of Maj: Gen. Brown.” Bates, a Quaker, had published the Mount Pleasant, Ohio, Philanthropist from 1818 to 1822, as an organ in opposition to war, slavery, and intemperance; The Doctrine of Friends; or Principles of the Christian Religion, as Held by the Society of Friends, Commonly Called Quakers (Mount Pleasant, 1825); and The Retrospect; or, Reflections on the Goodness of Providence . . . (Mount Pleasant, 1825). From 1827 to 1837 he edited The Miscellaneous Repository (5 vols.: Mount Pleasant), a collection of articles on the Society of Friends, and in 1836 he also published a collection of Sermons . . . (London).

1 See above, Clay to Porter, June 22, 1826, note. 2 Jacob J. Brown.

From Henry R. Warfield

My dear Sir— Frederick Town1 5th. July 1826

I returned yesterday to this place, and understood you had passed through it on an Excursion to the West2— Col McPherson3 says your Stay was so short he had not an opportunity to pay you his respects, which he wou'd have done with great pleasure— Mr. Nelson4 also informed me he passed a part of the Evening with you, that You are thinner than usual and not in good health— I sincerely hope the western air will perfectly restore you— I regret I was not in Town, as I much wished to converse with You on Some topics I think of interest, and not with a View of harrassing [sic] you about my private business (concerning which I have already given you too much trouble)5 because I fully confide in the sincerity of you [sic] wishes to Serve me, altho I candidly confess I have some reason to think I am no favourite with the President— I do not yet feel any Sorrow for the part, I took in his Election— I had many difficulties to encounter—almost all my immediate friends and associates, amoung [sic] whom are Some men of the first talents & influence in the State, Importuned me to vote for Jackson— In an interview I had with Mr. Adams a few days previous to his Election, I frankly Stated my difficulties— For a man of honor and truth can fear no man and no consequences— In that conversation of which no one has any knowledge but ourselves, at least none derived from me, he removed the difficulties, and you know the circumstances under which I did vote for him6—

But in looking at the appointments made by Mr. Adams, there is no instance in my View of his conferring [sic] Honor on any of
his Supporters— This policy I among hundreds of others object to— Some perhaps may call it magnanimity and others will say it is pusillanimous— To say the least of it, it is a most mistaken policy— Genl. Washington did not make the Experiment, he pursued a different plan— But I do not think it would be hazzarding much to say, that with all his well Earned and Extensive fame he could not by such a course have Sustained himself— He adopted the maxim, which I believe to be universally true, as much so in Public as in private life, “take care of your friends first”— We may declaim in folio Volumes on patriotism and disinterested love of County but human nature is human Nature Still—no change can be made, till “Some great Event shall shake the whole System of things, and life itself Shall recommence on new principles”— Mr. Adams by passing by his friends and promoting his Enemies will give an admirable Solution of the difficulty, which So perplexed and was So inconceivable to the mind of the brilliant, the Splendid Junius in that part of his letter to the printer of the Public Advertiser, in which he remarks “we say in common discourse a man may be his own Enemy and the frequency of the fact makes the Expression Intelligible— But that a man Shou’d be the bitterest enemy of his friends implies a contradiction of a peculiar nature— There is Something which cannot be conceived, without a confusion of Ideas nor Expressed without a Solecism in language—

Be assured Sir the plan which Seems to be adopted by Mr. Adams, if persisted in will blast and wither like the lightning of Heaven this political influence— Illiberality might impute this remark to personal feelings— It might be called the half hatched Conception, the tragic Ebullition of a mind distempered by disappointed hope— no, it is a fatal truth, leading on to results, as certain as inevitable as Death itself—I will be an honest chronicler or none— Genl. Worthington told me yesterday that the complaints of Mr. Adams course were universall in Washington— That Cooke was disgusted, and had not determined, when he left the City, whether he would not on his arrival in Illinois declare himself the friend of Jackson— Worthington was and is your fast friend and next to You the friend of Mr. Adams, but he reprehends the course, with great Severity— My Correspondence is Somewhat Extensive, and this Sentiment is warmly Expressed by Several distinguished Gentlemen the friends of Mr. Adams— The feeling is not only a general one, but a natural one— If my friend and myself by our Joint Efforts place a man in power, and my friend is passed by and an Enemy promoted by that Very Man, I would turn from him with feelings of Unutterable Contempt

What is the Common place remark in this Town, among the
friends of Crawford? 10 Why, "that Adams thinks to buy us over by giving office to some of our friends, but we are not to be "Gulled"—

Altho I think Mr. Adams not friendly inclined to me, I can in the Sincerity of my heart declare, that in what I now Say I am influenced by no unkind feeling— I wish his administration to be sustained by the approving voice of the nation, not so much I truly confess on his account as for those associated with him— You write to me with a freedom and Confidence, 11 which is a proof of your good opinion, a confidence which under no circumstances will be Violated— I write to you with equal freedom—a man who professes friendship [and] Conceals his sentiments or Expresses time serving opinions [is] no friend, he is an insidious [sic] foe— I will not fatigue you by enlargeing [sic] on this Subject— If my opinions are worth any thing I shall be gratified, If not 'tis easy to throw them aside

A few words as to myself and I will conclude this long and I fear uninteresting letter—

King of Alabama 12 [and] myself are on terms of intimacy— During the last winter in one of my letters to him I merely hinted, that is [sic] was possible my name might be before the Senate, without the most distant intimation as to the object— I send you his letter for Perusal— King Van Buren Dickerson Hayne, Macon and Cobb, 13 altho' in the opposition woud [sic] I am fully persuaded from personal regard have Voted for me for any appointment to which I might have been nominated— I did indulge the Hope of the Mission to Sweden 14 "But hopes scarcely formed often perish; and the loftiest Expectations are Suddenly dashed and lost in adversity— But wisdom is Ever prepared for misfortune— Her purposes are fixed; nor can ordinary disappointment change the character or break the energy of her action"— I am satisfied as things are— If I can make a Comfortable, adjustment of my affairs which I hope I shall be able to do there is no part of the great Globle [sic], that I shou’d prefer as a place of residence, to the Village of Frederick Town— It has m[ore] charms for me than Goldsmiths Auburn 15 had for [him.] You Cannot imagine my dear Sir the Secret pleasure my [he]art feels, when I have Every Evidence of the kind, attentive, and affectionate regard of Every man of worth of character in the place— We have an Excellent Society and there is not a family I visit, In in [sic] which I am not welcomed more as one of its members than a Visitor— Those only who have Experienced such Kind such flattering attentions can form a Just Estimate of their value or know the pleasing the delightful Sensations which they afford—

I shall out [sic] in the morning for Annapolis to attend our Supreme Court which is now in Session, where the members of the Bar Convene from all parts of the Western shore—
I do not know how it is, but it seems to me I write longer letters to you than any other person—It seems like unbinding the mind and entering into a friendly and unreserved conversation, and Even when I finish my letters, long as they may be, it appears to me that I have not said all I intended to Say—But common urbanity enjoins on us the propriety of consulting the feelings of others as well as our own, and admonished by this consideration I will bring this long Epistle to a close, after Expressing the Sincere wishes of my heart for the Happiness of you and family—

Your faithful Fri[end]

HENRY R WARFIELD

ALS. DLC:HC (DNA, M212, R2). Addressed to Clay at Lexington. MS. torn.

1 Maryland.
2 See above, Clay to Porter, June 22, 1826, note.
3 John McPherson.
4 John Nelson.
5 Cf. above, Warfield to Clay, January 23, March 19, May 5, 1826.
6 When the presidential election had been thrown into the House of Representatives, Warfield had written to Daniel Webster that he would like to know how Adams might feel about appointing Federalists. Webster had drafted a reply which he read to Adams February 3, 1825, and sent to Warfield. The letter stated that Adams would not exclude Federalists and that this would be shown "by some one clear and distinct case." On February 7, Warfield had met with Adams, who recorded: "He [Warfield] said that he had not expressed his determination for whom he should vote in the House on Wednesday. His friends, Mr. Charles Carroll, of Carrollton, and Mr. Taney, of Baltimore, had urged him to vote for General Jackson, under an impression that if I should be elected, the Administration would be conducted on the principle of proscribing the federal party."

"I said I regretted much that Mr. Carroll . . . and Mr. Taney . . . should harbor such opinions of me. I could assure him that I never would be at the head of any Administration of proscription to any party—political or geographical. I had differed from the federal party on many important occasions, but I had always done justice to the talents and services of the individuals composing it, and to their merits as members of this Union. I had been discarded by the federal party upon differences of principle, and I had not separated from one party to make myself the slave of another. I referred, in proof of my adherence to principle against party, to various acts of my public life, and Mr. Warfield declared himself perfectly satisfied with my exposition of my sentiments." Adams, Memoirs, VI, 492-93, 499-500.

7 The letters of "Junius" had first appeared in the London Public Advertiser between January 21, 1769, and January 21, 1772, and had been published in more than seventy editions by 1812. The aims of "Junius," whose identity has not been conclusively established, were to discredit the administrations then in power in Britain and to unify the opposition. The quotation, without terminal marking, is from the letter of October 15, 1769.

8 Thomas C. Worthington.
9 Daniel P. Cook.
10 William H. Crawford.
11 Clay's letters to Warfield have not been found.
12 William R. King.
13 Martin Van Buren, Mahlon Dickerson, Robert Y. Hayne, Nathaniel Macon, and Thomas W. Cobb.
14 See above, Warfield to Clay, March 19, 1826; Clay to Appleton, June 8, 1826.
15 "Sweet Auburn! loveliest village of the plain." Oliver Goldsmith, The Deserted Village, line 1.

INSTRUCTIONS AND DISPATCHES

July 5, 1826

From W[illiam] Tudor, Lima, no. 44, "Confidential." Reports that he attended a dinner in honor of the installation of Marshal Santa Cruz "as President of the Council of Government"; that the after dinner toasts were "filled with the most extravagant adulation of" (Simón) Bolívar, who was present; that "Gen. [Bernardo] O'Higgins goes shortly to Chiloé," where he expects to gain
possession of the government (see above, Allen to Clay, June 10, 29, 1826) but
where he is likely to be disappointed; that "Gen. Bolivar's model is now
Napoleon and his ambition is equally unbounded: his views extend not only
to being at the head of Colombia & the two Peru's but to including Chile &
Buenos Ayres in his domain. . . ." Notes having heard that Marshal [José de]
Lamar, "extremely partial to our country & our institutions," intends visiting
the United States; invokes for him "the most cordial reception." ALS. DNA,
RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received October 29. Published
in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations,
III, 1799-1800.

Andrés Santa Cruz, who had risen rapidly in military rank, as a Royalist
until 1817 and as a Patriot from 1821, had been chief of staff during the closing
campaigns of the war for liberation, had been honored with the title of Grand
Marshal in 1825, and had held office as prefect of Chuquisaca at the time of
his elevation to the presidency of the Council of Government. He remained
in power by delegation of authority from Bolivar until 1827, and for a time
subsequently as head of the governing junta. With the establishment of the
Republic, under elections in 1829, Santa Cruz removed to Puno, where he
organized a movement for federation with Bolivia, by which he seized office as
President of the Peru-Bolivian Confederation from 1836 to 1839. After a
period of exile and imprisonment in Chile until 1845, he embarked for France,
where from 1848 to 1855 he served as Peruvian Minister and where he died
in 1865.

APPLICATIONS, RECOMMENDATIONS

ZECHARIAH G. LAMSON, La Guaira, describes the "political change" that has
occurred, beginning with the "Riot or tumult" at Valencia (Venezuela), and
resulting in the assumption of military control by (José Antonio) Páez, who
has pledged "his life to support" the rebels against the government (see above,
Litchfield to Clay, May 22, 1826, note). Solicits appointment as consul at La
Guaira for his partner, George D. Caster, or for himself and notes that (John
Q.) Adams will remember him. ALS. DNA, RG59, Misc. Letters (M179, R64).
Received July 27. Lamson and Caster not further identified; neither received
consular appointment.

WILLIAM BEACH LAWRENCE, New York, cites (Albert) Gallatin's intimation
that Lawrence would be appointed Secretary of Legation in London should the
position become vacant and request that he communicate to the State Depart­
ment any information he might receive relative to (John A.) King's decision
in this connection; reports having seen, "this morning," letters from King
declaring "his intention to return to America in September"; wishes to know
whether he has "correctly understood Mr. Gallatin with reference to the
President's views." ALS. DNA, RG59, Dipl. Disp., Great Britain, vol. 33 (M30,
R29). Cf. above, Clay to Gallatin, June 23, 1826; Lawrence to Clay, August
22, 1826.

JAMES R. REILY, Bremen, recommends that (Frederick J.) Wickelhausen be
continued as United States consul for Bremen. ALS. DNA, RG59, Cons. Disp.,
Bremen, vol. 1 (M-T184, R-T1). Received September 9. Relly signs as "formerly
Minister of the Gospel in Hagertown [sic] Maryland—now Agent for
the Seminary of the German reformed [sic] Church of the United States." On
the continuation of Wickelhausen's appointment, see above, Wickelhausen to
Clay, July 15, 1825, note. Reily, born in Lebanon County, Pennsylvania, and ordained, in 1818, as a clergyman of the German Reformed Church, had been one of the founders of the seminary of the Reformed Church in 1820. The institution, which had been opened in 1825 at Carlisle, in conjunction with Dickinson College, was moved in 1829 to York, in 1837 to Mercersburg, and in 1871 to Lancaster. The academy affiliated with it from 1829 became Marshall College in 1836 and Franklin and Marshall College in 1853. Reily toured Holland, Germany, and Switzerland from May, 1825, to October, 1826, seeking support for the seminary.

INSTRUCTIONS AND DISPATCHES
July 6, 1826

From A[lexander] H. Everett, Madrid, no. 40. Reports receiving a note from the Duke del Infantado stating "that the balance due from the house of Wiseman Gower and Co [sic] on account of the six thousand dollars advanced to Mr Salmon has been assumed by the Government and will be paid immediately. . . ." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received September 28. Cf. above, Clay to Nelson, April 14, 1825, note.

From Robert R. Stewart, Trinidad, Cuba. Explains that there will be difficulty in giving a correct account of exports and imports in American vessels, "as the merchants have not been accustomed to make such reports"; presents an estimate that the value of the annual imports in American bottoms from the United States amounts to $400,000 and the exports $100,000 more than that sum. ALS. DNA, RG59, Cons. Disp., Trinidad, Cuba, vol. 1 (M-T699, R1). Received [July] 26. Cf. below, McCulloch to Clay, July 25, 1826.

APPLICATIONS, RECOMMENDATIONS
July 6, 1826

William P. McDowell, Erie (Alabama), solicits Clay's aid in obtaining from the head of the Treasury Department (Richard Rush) an appointment to collect information "Relative to the claims of the French Emigrants in this State." ALS. DNA, RG59, A. and R. (MR3). McDowell, not further identified, received no appointment. Daniel Brent replied, on July 27, in the absence of the Secretary: "As to the Agency for collecting testimony with respect to claims upon the French Government, arising from circumstances connected with the emigration or exile of the St. Domingo Colonists to this Country, I have the honour to state that I am apt to believe no public office, as the one in question, is in contemplation, by the Treasury, or any other Department of this Government." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 359 (M40, R19).

From Thomas Speed

Dear Sir, Nelson 1 July 7th. 1826.

If you have read the speech of Mr. Senator Rowan on his amendments offered to the Judiciary bill of last Session, you will recollect one of his positions to be this, that "it is better to take special care of the parts, by way of securing the good of the whole, than to take care of the whole by way of securing the good of the parts." Another of his positions (as of every sound politition [sic] when
July 7, 1826

rightly understood) is, “that the will of the people should govern.”

Now sir, acting on these principles of my honble neighbour; [sic] I hope it will not be deemed obtrusive on the time of the Secretary, always no doubt usefully employed, if I ask his attention for a short portion of time, for the purpose of presenting to his view somewhat of the will of the people in this remote, but not unimportant “part,” of this great empire, in who’se [sic] service the Secretary is engaged.

There is perhaps, no occasion, on which the sentiments of the people can be so well collected, & so extensively, as that which has just occurred [sic], the celebration of the anniversary [sic] of our independence. We are wont to look on these occasions, as to a Mirror, which reflects something like the true & spontaneous feelings & sentiments of the people; [sic] in relation to their government, its principles, & its administration. Ordinarily, a set of regular toasts are prepared by a Committee. These are quite sufficient, when, & where, there is no division of sentiment. But when division exists, as very few of the people can participate in drafting the regular toasts, those of the volunteer kind are indispensable [sic] to give the real expression.

In preparing the toasts which were to express the sentiments of the citizens of Bards Town & its vicinity, it somehow happened, that two of the officers of Government, our Senator & Representative in Congress, were call’d on to give shape & colouring to the sentiments of the people here, in regard to their government & its administration. One other only, one of the people (your hble Servant) was associated with them in that duty. His toasts, as you might well expect, did not “comport” with the opinions of the Senator—neither did those of the Senator agree with the opinions of the citizen. Among those drawn by the former, out of courtesy to the office, “The President of the U. S.,” was inserted, without the expression of any sentiment annexed. Several toasts were introduced also by way of approbatory response, to some of the sentiments or principles advanced in the aforesaid senatorial speech. No other living individual was thought worthy of a place in that list but the Hero of New Orleans, with the praise deemed appropriate. In the list prepared by one of the people, next after the Ex Presidents he had, “The President of the U S—his great knowledge in science, & experience in government, qualify him to rival his predecessors in usefulness.” This smallest possible meed of praise, it was hoped the candour of his opponents could not object to. But the hope was vain— The comtee. were prevailed on to strike out “His great” and insert “may his” thereby perverting the sense. The Citizen also had inserted “The Judiciary of the U. S.—enlightened Jurists, & of unsuspected integrity,” the latter
words quoted from the aforesaid speech. This was thought by the Senator to be most exceptionable, indeed, the Judiciary being the bone of contention. This exception occasioned a warm but short discussion between the toast makers. The Senator wished to know why it was necessary to toast the Judiciary, as there was a general toast to the government of the U. S. which included them—the citizen answered, because, as the other two departments were being toasted separately it was due also to the Judiciary—because, it was a general custom to do so—and, if any further reason were necessary, because he the Senator, had always heretofore insisted & delighted to give that particular toast. This was deemed an "unkind cut" implying contradiction—it produced excitement & ended the discussion. The Citizen with a view to conciliation, had omitted in the regular list any living individual save the President. The draftsmen, not being able to agree, the lists were referred [sic] to the Comtee. to select. They selected as you will see in the inclosed paper.4— Nos. 1. 2. 3. 14. 15 & 16 from the Senators list— 6. 7—from that of the Representative. the other nine from list of the Citizen. The Comtee. reported also at first, from the Senators list, "the Hero of N. O."— On that being announced, the citizen assigned his reason for omitting to toast any individual in the list—but then begged [sic] leave to offer H. Clay. with the &c's, as equally meriting public notice, & more acceptable here. The Comtee. unhesitatingly agreed to insert it. But then it was proposed on the other side to omit both (upon the principle no doubt, that as the Hero could not have a preference they would throw him on the people, & let him abide the spontaneous effusion in the volunteer toasts) & so the Comtee. decided to omit both— Well how did the Hero fare? I will tell you. A respectable citizen a Merchant trader5 (who is in the constant habit of abusing Jackson for what he alleges [sic] to have been an arbitrary stretch of power in relation to a pork contract at Orleans in 1814) called on Smiley6 for a toast. Smiley gave Genl. A Jackson, to the no small disappointment of the mover, & amusement of his acquaintances. It was drank however with some cheering — — — but without the honor of a gun!!! The Trader immediately gave H. C. which was received with the warmest expression of applause— So also was the Mission of Panama.7

An opinion prevailed in the minds of many that the old Monarch had come prepared to make a speech, anticipating a toast—but behold when the toast came (from a youth)8 there was not a voice raised to cheer, save two in a remote corner, apparently intoxicated—not a hat or a hand soared—no fire from the infantry company (which was omitted in no instance but the two)— Such was the
effect of this silent mode of paying respect on his "nice sense of feeling," that a deep blush (as I was told), a downcast look, & profound silence, was, (as I am sure it should have been) the only return, meet for this distinguished attention, paid by his old neighbours & fellow citizens to the Senator.

Would you think it, that when he found he could not prevail to the extent of his wishes, as to the toasts to be drank, he actually proposed omitting toasts altogether & Maj. Smiley his friend, good easy soul, came into the measure— And it was not without some earnestness of remonstrance that I prevailed in negativing the proposition.

Knowing as you do my former attachment for Mr R, you will allow me to say, that I then thought & still think, he was candid & possessed honesty of purpose. One of his sentiments, that of appreciating highly the importance of the Judicial department in government, I concurred [sic] in most heartily— Whether my friendship blinded my judgment then, or whether he is now the antipode of what he was, I cannot say— One thing I have seen, that "he has rode the whirlwind & directed the Storm" in Kentucky.9 And one other thing I believe, that he is endeavouring to act the same part in his new & more elevated sphere.10 It is this impression, which justifies me in my own mind, in thus detailing to you, incidents, which would otherwise be unimportant, not deserving my attention to record, much less yours to read. But thinking as I do, I am sensible it cannot but be des rable [sic], & may possibly be useful, for the cabinet to be apprised of the means used by, and the standing of, their inveterate opponents.

I was surprised to hear that Mr Rowan should state that men of the best talents at the city last winter, laughed at the idea, that the reorganizing act of Ky11 was not constitutional, & gave Mr Tazewell12 as an instance of one who thought it was. Can this be so? We hope to settle that matter at the ensuing election, & to commence retracing our steps towards sound principles & honest legislation.

With respect to opinions in Ky. on national affairs, the papers you see will give pretty correct information. Within the bounds of my own acquaintance, I am satisfied that a considerable majority approve the views of & confide in the Administration. As to the mission to Panama, there are very few dissenting voices, audible at least. The amendment to the Constitution in relation to the election of President,13 is not so much talked of. It is no doubt less acceptable [sic] than it otherwise would be, on account of the impression, that is [sic] desired for a special purpose only. It is worse than folly to propose amending the constitution, in a point,
where more than in any other, it has answered the expectations of its framers, & advanced the interest & honor of the nation.

The calm & dignified deportment of Mr Adams under his persecutions, & the promptness, & disinterestedness of his measures, is gaining him friends.

Your own standing with us, is in my opinion, substantially as it was. The circumstances of the Presidential election, has [sic] furnished a pretext, for some of your pretended friends to weild [sic] against you. But I think it only has the effect of exciting the friends of Genl. Jackson, & to an equal extent conciliating those of Mr Adams. I have ever regretted [sic] the use by your friends, of a sectional argument in your favour before the election. It was in my view at the time, both unsound & injudicious. If it was calculated to strengthen your claims—it also serves to strengthen the objections of your opponents. This however I hope will only be temporary—as your vote on that occasion ought to be, as I presume it will ultimately be, tested by the merits of the administration of Mr Adams and of the favourable issue of that I have no doubt.

Accept assurance of the unabated confidence and esteem of Yr. Obt. St.

Tho. Speed
Hon. Henry Clay.
INSTRUCTIONS AND DISPATCHES

JULY 7, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 41. Refers to an earlier dispatch (above, June 25, 1826) in which he gave the substance of statements made to him by the Duke del Infantado and the ministers of Great Britain, France, and Russia, "respecting the proposed armistice," and in which he promised "some further account of the communications" he had had with them; gives a more detailed summary of his conversation with each of those men. Reports that he has again seen the Duke, who promised "a preliminary answer acknowledging the receipt of" Everett's note and that the answer has not yet been received. Notes the "uneasy" reaction of the Spanish Government to "the news of the determination of the Emperor of Brazil [Peter I] to establish a representative Constitution in Portugal previous to his abdication" (see above, Raguet to Clay, May 6, 1826); the lack of information about the constitution and the "dispositions" in Lisbon "on the subject"; and the absence of Spanish influence at the Portuguese Court. States that he has 'been promised a written communication on the subject of the indemnities . . . in regard to the class of cases resulting from the captures under the blockading decree of General [Francisco Tomas] Morales" (see above, Everett to Clay, June 2, 1826). Transmits a copy of a note from the Duke del Infantado concerning payment of "the balance due upon the claim of six thousand dollars . . . advanced to Mr Salmon" (cf. above, Everett to Clay, July 6, 1826); declares that he had already made arrangements to collect from "the effects of the Bankrupt house of Wiseman" and that "in one way or the other" he hopes to "bring this troublesome little affair to a close." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R85). Received September 28.

MISCELLANEOUS LETTERS

JULY 7, 1826

From EDGAR MACON, St. Augustine. Notes that, since his answer of April 25 to Clay's letter of April 6, he has heard nothing from the (State) Department; states that Judge (Joseph L.) Smith has prevented him from performing the duties of the office of district attorney of East Florida and has "appointed a member of his bar to act in" Macon's place; requests official notification if he has been "displaced by the President." ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), Territorial Papers, XXIII, 599. Endorsed by Clay on wrapper: "Send him a Copy of the letter addressed to him containing his dismissal." See above, Clay to Macon, April 6, 1826. Daniel Brent, "In the absence of the Secretary," on August 24, 1826, informed Macon that a successor had been appointed and suggested that, since the latter would probably now have arrived in St. Augustine, Macon would deem "this circumstance . . . sufficiently explanatory. . . ." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 373 (M40, R19).

Executor's Note Account with Morrison Estate

[ca. JULY 8, 1826]

As only acting executor of the estate of James Morrison, Clay files an account of the settlement in notes of the Bank of the Commonwealth from June 13, 1825, through July 8, 1826. A commission of five per cent on receipts of $3,546.57 is allowed the executor. Examined and certified. July 10, 1826, by commissioners ap-
Executor's Specie Account with Morrison Estate

[ca. July 8, 1826]

As only acting executor of the estate of James Morrison, Clay files an account of the settlement in specie funds from June 13, 1825, through July 8, 1826. A commission of five per cent on receipts of $16,717.59 is allowed the executor. Examined and certified, July 10, 1826, by commissioners appointed by the court; approved by the Fayette County court at its July term, 1826, and ordered to record. Fayette County, Will Book G, 361-64.

From Amos Kendall

Dear Sir, 

Frankfort July 8, 1826

In relation to the debt I owe you on account of Morrison's estate, I wish to obtain the indulgence of at least another year.\(^1\) The low water last fall prevented my doing anything at my mills until February, about 15 months after I had expected to be in full operation. Since then I have been doing well and should now be wholly unimpressed [sic], except that the ill feeling generated by our political warfare, has induced most of my political enemies to bring suits against me for all the demands they can command. The amount of these is small, but coming on me just as I am commencing an expensive business, they embarrass me exceedingly. But I shall clear these off this year. To pay the Morrison debt now would require a Sale of my negroes which came with my first wife,\(^2\) and that would be almost like selling my children. I hope, therefore, it will be convenient to wait on me, on my paying the interest as soon as I can.

It has struck me as possible, that there might be two or three thousand dollars more of that estate at your command, which you would be willing to loan me to procure full title to my place and mills, in continuing the mortgage on my negroes and on that property. Appreciation and interest form a high price for the use of money, but to secure this title I should be willing to pay it, and in addition should consider the loan an important favor. It could certainly be done with $3,000 and probably with $2000.\(^3\)

I contemplate selling out my interest in the printing office as soon as the elections are over, if I find a purchaser. I am actuated by the motives I have adduced to you, and two additional ones—first to get out of the contest for next year in relation to general politics in which some of my friends will be arrayed on Each side, and secondly to raise the means to pay my debts. It is probable
JULY 8, 1826

the whole office will be sold, if a part of it is. I do not make my design public, lest it should be attributed to wrong motives.  

I should like to know when you will be in Frankfort, that I may meet you here. I have a desire to converse with you on the subject of general politics &c

With the highest respect Your friend

AMOS KENDALL.

Copy. OHi.

1 Cf. above, Kendall to Clay, March 23, 1825. An entry in the Debt Account of James Morrison's Estate (cf. below, ca. August 12, 1826) indicates that Kendall had been given a loan of $1500 in notes of the Bank of the Commonwealth, "Secured by Mortgage on land &c," due June 8, 1826. The aforementioned account credited this debt to the estate as $750, "Good," and $250, "Doubtful."

2 Mary B. Woolfolk Kendall.

3 No record of an additional loan has been found. The above entry is the last in the Debt Account. Clay was under pressure to liquidate the estate (cf. above, Clay to Bradford, March 21, 1826; below, Draft Resolution, ca. July 10, 1826). On August 31, 1827, Kendall repaid $987.50 of the original loan and on December 31, 1829, $594.50, the balance of the principal and interest. Fayette County Court, Will Book J, 22, 517.

4 Kendall remained owner and editor of the Frankfort Argus of Western America until 1830.

DIPLOMATIC NOTES

July 8, 1826

From FERNANDO VALERO, "Legacion de Centro America, New York." Offers any of the cities of Central America as a site for reassembling of the Panama Congress. ALS (in Spanish). DNA, RG59, Notes from Central American Legation, vol. 1 (M-T34, R1). The Congress, which had opened on June 22, adjourned July 15. Cf. below, Poinsett to Clay, August 20, 1826.

INSTRUCTIONS AND DISPATCHES

July 8, 1826

From J[OEL] R. POINSETT, Mexico, no. 49. Reports that (David) Porter has accepted a commission in the Mexican Navy and is to command the squadron at Veracruz (cf. above, Wilkinson to Clay, July 27, 1825, note); that the meditated attack upon Cuba (see above, Poinsett to Clay, January 28, February 25, 1826) has been suspended; that the Mexican Government intends to give Porter "six blank commissions for Privateers to be fitted out in the United States"; that (Sebastián) Camacho is to sail to England shortly with similar commissions to be distributed there. LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Copy, in MHi-Adams Papers, Letters Received (MR476). Received September 4.

From WILLIAM TAYLOR, Veracruz. Transmits copies of two letters he has written "ineffectually to the Mexican Naval Commander on this Station" (Matthew Plowes) and of other documents, including a covering letter to (Joel R.) Poinsett, to whom he has sent similar copies. Explains that the Mexican officer appears to think "that he possesses the right to Ship into the Mexican Service any American Seaman that may choose to place himself under his protection, and he has further attempted to exact from Captain [Joseph W.] Davis [of the American brig Nun, of Portland, Maine] the payt
INSTRUCTIONS AND DISPATCHES
July 9, 1826

From Beaumont T. Watts, "Quinta de Bolivar near Bogota." Reports having been informed by (Joseph R.) Revenga that (Simón) Bolivar, upon learning of the intention of the Colombian Senate to impeach (José Antonio) Páez, foresaw "the commotion that has actually taken place in . . . Venezuela" (see above, Litchfield to Clay, May 22, 1826; MacPherson to Clay, June 19, 1826; Foster to Clay, July 2, 1826; Lamson to Clay, July 5, 1826), sent "orders, warning him against the disobedience of the laws, and a breach of the Constitution," and "determined immediately to return to Colombia. . . ." Speculates that Bolivar may now be at Panama.

MISCELLANEOUS LETTERS
July 9, 1826

From Cesar Moreau, London. Transmits two copies of his works on British trade since 1697 and on the commerce and industry of the United Kingdom; encloses a letter, which he wishes delivered to the President. LS, in French with trans. in State Department file. DNA, RG59, Misc. Letters (M179, R64). Moreau, a French economist, vice consul at London from 1825 to 1829, published extensively on British and French trade. The works here mentioned were probably his State of the Trade of Great Britain with All Parts of the World . . . from the Year 1697 to 1822 (London, 1824) and British and Irish Produce and Manufactures Exported from Great Britain . . . 1698 to 1821 . . . (London, 1826).

APPLICATIONS, RECOMMENDATIONS
July 9, 1826

Beaumont T. Watts, "Quinta de Bolivar near Bogota," solicits appointment as Chargé to Colombia should (Richard C.) Anderson (Jr.) resign as Minister to that Republic; notes that he considers himself entitled, in any case, to an outfit. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Copy, in MHi-Adams Papers, Letters Received (MR477). Received September 4.

To John J. Crittenden

Dear Sir

Lexington Monday 10h. July 1826.

The desire to see my friends at Frankfort and some business will induce me to visit the metropolis prior to my return to Washington City. I cannot go this week, but whenever I do (and after this week the time is not material to me) I am very desirous that I should find you at home. Will you be there all next week, and if not what time will you be absent?

I have got home time enough to be near the last act of the
Tragedy in your town—for such undoubtedly ought to be considered the events of last friday [sic]. The manner of the death of the unfortunate Beauchamp and his still more unfortunate wife must awaken a public sympathy which even his crime and her vices cannot smother.¹ We are still in doubt here as to what has happened in Cynthiana.²

ALS. DLC·John Jordan Crittenden Papers (DNA, M212, R20).

¹ Following his arrest (see above, Théodore W. Clay to Henry Clay, November 11, 1825, note), Beauchamp had been tried, found guilty of murder, and on May 22, 1826, sentenced to death. His wife, Ann Cook Beauchamp, formerly of Fairfax County, Virginia, and of Simpson County, Kentucky, remained in jail with him until the morning of July 7, the date scheduled for his execution, when the pair attempted to kill themselves with a knife. Mrs. Beauchamp died shortly after noon, after which her husband was duly hanged. J. Winston Coleman, Jr., The Beauchamp-Sharp Tragedy... (Frankfort, Ky., 1950), [49]-60.

² Where, on July 8, Isaac B. Desha had attempted suicide. See above, Blair to Clay, February 11, 1825, note.

Draft Resolution for Board of Trustees, Transylvania University [ca. July 10, 1826]

Resolved that John W Hunt E Warfield¹ & Benjn Gratz be appointed a Committee to confer with the Executor of James Morrison deceased, in respect to the residuary legacy bequeathed by the said Morrison to Transylvania University, and to consider and report to the Board when and where, in the town of Lexington, it may be expedient to erect an edifice, to be denominated Morrison College, according to the directions of the will of the said deceased.

ADD (except at noted). KyLxT. Cf. above, Clay to Bradford, March 21, 1826; below, Debt Account, ca. August 12, 1826.

¹ Elisha Warfield. These three names are not in Clay's hand.

From John Postlethwait and Others


Dear Sir.—We have been deputed by our fellow citizens of the county of Fayette and town of Lexington, to greet you on your visit to your late constituents, and to invite you to partake of a public dinner, at Noble's Inn,¹ on Saturday next.

In discharging this pleasing duty, we should misrepresent those who have selected us, and do injustice to our own feelings, did we fail to assure you of our undiminished, nay, increasing confidence, in your talents, integrity, and untiring devotion to the public weal.

In your long career as our representative, you were always found
on the side of civil and political liberty, human happiness and improvement.

Two great continents hail you as the bold champion, and successful promoter of their best interests, their dearest privileges, and most invaluable blessings.

Let the envious and disappointed, pour out their gall still more wantonly on your head, than they have done,—let calumny continue to persecute you,—yet sir, while you are assured, that those who have known you longest and most intimately, love you best, you will treat with merited contempt all their vile machinations and abuse.

We take pleasure in subscribing ourselves your friends, and

Most Obdt. Servants,

J. Postlethwait                        R. H. Chinn
E. Yeiser                             U. Berryman
W. H. Richardson                     William A. Leavy
John H. Morton                        W. W. Worsley
Thomas Bodley                         B. W. Dudley
Leslie Combs                          John B. Coleman

Lexington Kentucky Reporter, July 17, 1826.

1 Operated by Elijah Noble, in Sanders' Garden.

2 Edwin Upshur Berryman, a native of Fayette County, partner in a flourishing mercantile firm. He later removed to New York City, where he died in 1839.

3 Young Lexington lawyer, associated with Leslie Combs.

DIPLOMATIC NOTES

July 10, 1826

From José María Salazar, New York. Announces Colombia's efforts to interpose its good offices to make peace between Brazil and Buenos Aires; requests the aid of the United States in this connection; and notes that the same request has already been made to Great Britain. LS, in Spanish with trans. in State Department file. DNA, RG59, Notes from Colombian Legation, vol. 1, part 2 (M51, R2). Trans., in MHi-Adams Papers, Letters Received (MR476).

INSTRUCTIONS AND DISPATCHES

July 10, 1826

From Heman Allen, Valparaíso, no. 35. Reports the meeting of a congress, led by liberals, and the expectation that "a federal constitution" will be adopted; fears, however, the influence of the aristocracy of Santiago; notes the resignation of "The Director [Ramón de] Freire," the abolition of the title, and the election of an aristocrat, (Manuel) Blanco (Encalada), "late Admiral of the Navy, and brother of the Minister" (Ventura Blanco Encalada) as President, ad interim. Adds, July 16, a postscript stating that the congress has appointed a committee to prepare a constitution and that (Samuel) Larned has been named a member of that committee and "intends to render his assistance." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received November 17. Manuel Blanco Encalada, born in Buenos Aires and educated in Spain, had joined the movement for Chilean independence in 1813.
From Thomas L. L. Brent, Lisbon, no. 24. Reports the arrival of a vessel from Rio de Janeiro bringing "four decrees of Dom Pedro as King of Portugal" (cf. above, Raguet to Clay, May 6, 1826); notes the divisions of opinion in Portugal concerning a constitution; suggests that the provision for a constitution will surprise members of the Holy Alliance, even Austria, which apparently was not consulted, and that they will disapprove. Reports the arrival, later, of Sir Charles Stuart, bringing from Rio "the constituion and a Treaty of commerce between Portugal and Brazil which is said to be favorable to Portugal," and bearing "full powers" from "Dom Pedro as his commissioner to see his resolutions carried into effect." Cites differences among members of the government as to the course to be followed. Continues, on July 14, by noting the restlessness in the army, the publication of Dom Pedro's decrees and a proclamation by the Regency in this regard, the weakness of the constitutionalists, "the tardiness of the proceedings of the Regency," and the eagerness with which all await a statement from Dom Miguel. Adds that the Count of Barbacena, Minister of War, has been "charged ad interim with the Department of foreign affairs, the Count of Porto Santo having taken leave of absence in consequence of indisposition." LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received September 19.

Francisco Furtado de Castro do Rio de Mendonça e Faro, the second Count and seventh Viscount de Barbacena, had fought valiantly in the Peninsular War in Portugal, subsequently had been raised to the rank of general and field marshal in the forces of King John in Brazil, and, returning with the latter to Portugal in 1822, had been named head of the general staff. He served as Minister of War for a year in 1825-1826 and as chief of staff of the Miguelite forces during the "Brothers War" of 1828-1833 (see above, Raguet to Clay, May 6, 1826, note).

To John Postlethwait and Others

Lexington, July 11th, 1826.

Gentlemen.— I have received the note which you yesterday did me the honor to address to me, communicating the congratulations of my fellow-citizens of the county of Fayette and town of Lexington, on the occasion of my present visit, and an invitation, in their behalf, to a public dinner at Noble's Inn on Saturday next. I thank them most cordially and respectfully, for this friendly reception, and I will meet them, with warm and grateful feelings, according to their obliging appointment. The reiterated testimonies of confidence & attachment, which I have so often and so long received from my late Constituents of this Congressional District, have been, in past times, a most encouraging stimulus of my best exertions to promote the public welfare; and they will continue under all the circumstances of my future condition, to cheer and animate me, although the particular political relation which existed between us is dissolved. Nor is the sensibility to these cherished testimonies less lively, because of my consciousness that they proceed from an exaggerated estimate, which the partiality of my friends has led them to make, of my public services. It has
indeed been always my aim, as you truly state, to be on the side of civil and political liberty, human happiness and improvement. And to those great and interesting objects shall my humble but zealous endeavours continue to be directed, whatever misrepresentations of my motives and conduct may be made by those who choose to think unfavorably of the one or the other.

With respectful acknowledgments for the flattering manner in which you have been pleased to convey the friendly invitation of my fellow citizens of Fayette and Lexington, and with assurances of my personal esteem and regard, I am your obedient Servant.

H. CLAY.


Lexington Kentucky Reporter, July 17, 1826.

From Christopher Hughes


We all arrived safe at Brussels, on 18th. June, I remained there some days, to get & arrange a temporary lodging, & to seek out a permanent domicile for my family and to fix my son¹ at school. I then came on here; having previously, & immediately on my arrival in the Kingdom, written to Baron ver Stolk, Minister of Foreign affairs,² to advise him of my return; and received from him a very gracious & polite answer of welcome; & expressing the satisfaction he should have, and so forth, in making my personal acquaintance; and that he had sent orders to Rotterdam for the landing of my baggage and some furniture that I brought from america [sic]. I was further delayed a few days at Brussels by a sprained ankle, which kept me on my back & in no little pain, & of which, I have completely recovered. I left Brussels (in the Diligence; for I have given up all unnecessary expense & am firmly resolved to live on my pay—and on no account, to exceed it:) on the 7th., remained a day at antwerp, to look after my furniture, sent last year from Sweden and arrived here, on the 9th. (Saturday!) via Rotterdam! where I called on & made the acquaintance of our Consul, Mr. Wambersie,³ and where there are a multitude of our citizens, & a number of our Ships. Mr. Calvert & his family are voyaging somewhere in this Country, on a visit to his matrimonial relations;⁴ I met his son⁵ at Rotterdam, a most gentlemanlike young man, who has just finished his studies at Gottingen; & who will be, I hope, less avaricious & more hospitable than his Father.
I called at the Foreign Department on Monday, (yesterday;) and handed my letters to Mr. VerStolk, who received me very kindly, and who appears to be a very clever & unaffected man; when I was at Brussels last year, Mr. Conincke was the Minister of Foreign affairs; he is now dying of dropsy; Mr. VerStolk was named ad interim; but as Mr. Conincke's state became hopeless, Mr. Verstolk [sic] was confirmed in the office; and has as I learn from my Colleagues given great satisfaction both to his own government and the corps diplomatique! Mr. Adams will remember him, as he was Dutch Minister at Petersburg, (I believe) when Mr. Adams was there; but he knew Mr. Pinkney & Mr. Campbell.

I remained some 20 minutes with the Minister & then had to give way to others, who were waiting in the anti-Room [sic]; (viz Sir C. Bagot!) I only touched one public topic, in my conversation with him; I enquired at [sic] him, if the inequality, so unjust & unfavourable to our trade, and so contrary to the respective regulations of the U. S. & the Kingdom of the Netherlands, in regard to their navigation, was still persevered in, & inflicted on our vessels, in the Dutch Ports? if he had heard from Mr. Huygens on the subject? and if he had authorized Mr. Huygens to say, that the inequality should be done way? and thus make the basis of perfect reciprocity and equality real, & not merely putative, as it now exists!

Mr. Verstolk replied, that he had received Mr. Huygens despatches, & the correspondence that had passed at Washington, on the subject, & had replied to them & instructed Mr. Huygens on the matter; and that, therefore, he thought it would be as well to allow the subject to take its course at Washington, as it had been committed to the King's Minister there; & at all events, to wait until we should learn what had been done: and he, therefore, requested me to consider what might now pass, as informal, & not as official.

To which, I answered, that I had not the smallest objection; though I found myself specially instructed to explain to him the confident & just expectation of the President that the inequality should be promptly & completely done away; and that if it were not, the President's duty was plain & left him no discretion; the act of Congress of 7th. Jany 1824, was definitive on that point; and had been very distinctly explained to be so, by Mr. Clay, in his Notes of 10th. Decr. & 24th. Decr. 1825, to Mr. Huygens.

He then repeated, that he wished me to consider the conversation as informal & friendly; and added, that the advantages given to Dutch Ships, was a mere bounty to their own navigation;—that it was not meant to be considered against us, in particular; that it applied to all nations without exception; & no one could complain
of it, and least of all, the U. S.; whose Tariff operated so heavily against Dutch produce, & was so unfavourable & so much more severe than the Dutch Tariff on our produce! that, in fact, our duties were so high as to leave no inducement to their Merchants to frequent our ports; that where 8 or 12 dutch [sic] ships went per ann [sic] to the U: S: there were some 170, or 200 american ships coming to His Majesty's Ports; that we had all the trade to ourselves, & ought not to find fault or complain at their domestic regulation to encourage their own shipping; that it ought not to be regarded as a discrimination; or a regulation against us & was not so meant, or viewed by the Dutch Government.

Discovering from all this, that the instructions sent to Mr. Huygens really amount to nothing, & leave no hope, that there will be any change, I said, that the President's duty was very plain, & though the necessity to perform it might be regretted, yet it would be done; and that our own dignity & interest required of us to treat others, as they treated us; that that was the fundamental basis of our intercourse with all nations, and would be departed from in no case; that we did not pretend to prescribe to others, what regulations they should adopt for their own commercial operations; but that we did pretend to the right of being fully informed of what those regulations were, & what were the real intentions of the Government, so far as our interests and intercourse were involved in those operations!

We had a very amiable and unreserved conversation & communication on the subject; all of which I have explained in my despatch, No. 1. of this date;10 but I hope you will understand me as having reported it, informally, and with a view of giving you my impressions of the present feelings of this Government on the complained of inequality; & not at all as conclusive, or binding upon Mr. Verstolk; he was very careful to repeat over & over, "that it was a mere informal and friendly conversation"; so that, after all, they may merely mean to hold out a bold front, & try its effect upon us; for it seems impossible, that they can persist in any thing so unjust and unfair, as is the present footing of our trade in their ports. Mr. Verstolk certainly did hint, & plainly, that if the exceptions of the Law of Jany 1824 were visited upon the Dutch vessels, in our ports, some reprisals would be resorted to here; whether he was in earnest, or whether he understands the real merits of the question, he knows best; the latter I rather doubt!—for he seems to be a little what the French call distrait, & we absent; & he has so much to do, & the king,11 (the most laborious & indefatigable Monarch in Europe:) keeps him so hard at work, that it is reasonable to suppose him not perfectly prepared for an abrupt American burst.
JULY 12, 1826

I have written in a great hurry; but I hope intelligibly. I am ever & most truly Your friend & Servt.

C. Hughes

ALS. DLC-HC (DNA, M212, R2). Copy, in MHi-Adams Papers, Letters Received (MR476).

July 12, 1826

From CHRISTOPHER HUGHES, The Hague, no. 1. Reports his arrival; summarizes in considerable detail his interview with the Baron Verstolk (cf. above, Hughes to Clay, this date). ALS. DNA, RG59, Dip. Disp., Netherlands, vol. 8 (M42, R12). Copy, in MHi-Adams Papers, Letters Received (MR476).

INSTRUCTIONS AND DISPATCHES

July 12, 1826

From HENRY MIDDLETON, St. Petersburg, no. 61. Encloses “a Gazette containing the Ultimatum of Russia addressed to the Sublime Porte” (Brown to Clay, April 27, 1826, note) and the answer of Turkey; states that “a negotiation will forthwith commence.” Reports having learned of “a revolt and massacre of the Janissaries . . . at Constantinople” and mentions the possibility of a civil war in the Turkish Empire (see above, Moore to Clay, June 20, 1826). ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated “30 June/12 July 1826.”

From J[OEL] R. POINSETT, Mexico, no. 50. Forwards copies of “the treaty of Amity and Commerce,” which he concluded, July 10, with Mexico, “and of the Protocols of the conferences” leading to the treaty. Notes “that the principle of perfect reciprocity of duties has been surrendered, and that of the most
favored nation introduced into the treaty.” Cites difficulties encountered by British plenipotentiaries (Henry George Ward; James Justinian Morier), whose insistence on the former principle has led Mexico to break off negotiations with them and who assert that “if Mr [George] Canning does consent to abandon the principle of perfect reciprocity of duties . . . he will insist on fixing the period when Mexico shall adopt it, say ten years . . .” Reports that opposition to the principle that free ships make free goods was more formidable, because of the current Mexican negotiations with Great Britain, than the protocols indicate and he reluctantly yielded on this point also. Expresses concern that Clay will object to the first additional article to the treaty but agreement with the Mexicans “in their estimate of the danger of admitting indiscriminately all Spaniards . . .” Notes that British diplomats in Mexico “attribute the failure of their negotiations with this country” to his influence and that this inference is unwarranted. States that although the Mexican constitution barred the introduction of the principle of religious toleration into the treaty, the thirty-fourth article pertains to this issue, that “An effort will be made to amend the Constitution in 1830 with this view,” but that, since this must be kept secret, “the declarations of the Plenipotentiaries, relating to it, are not spread upon the protocols.” Proposes to send (John) Mason (Jr.) to Washington with the original treaty and ratification in October. Reports that the government has appointed General Terán “to examine the country near our respective frontiers.” LS. Ibid., Mexico, vol. 2 (M97, R3). Copies, in MH-Adams Papers, Letters Received (MR476, 477). Received September 4. Cf. above, Poinsett to Clay, May 31, 1826.

The first additional article of the proposed treaty renounced United States opposition to “any measure of precaution which the Government of Mexico may judge expedient to adopt for the safety of the Republic during the continuance of the present war between the United Mexican States and Spain, with respect to persons born in the European dominions of his Catholic Majesty the King of Spain, although such persons may be established in the United States. . . .” American State Papers, Foreign Relations, VI, 613. The United States Senate rejected the “first additional article” of the proposed treaty and approved the remainder only with some amendments. Ratifications of the document were never exchanged. U. S. Sen., Executive Journal, III, 568-72; Adelaide R. Hasse, Index to United States Documents Relating to Foreign Affairs, 1828-1861 (3 pts.; Washington, 1914-1921), II, 1066.

John Mason, Jr., of the District of Columbia, had been appointed Secretary of Legation at Mexico in 1823. Manuel de Mier y Terán was named to head the survey of Mexico’s northern boundary but never got beyond Nacogdoches. He became governor of the military district of Tamaulipas, Coahuila, and Texas from 1830 until his death in 1832.

From [JOEL] R. POINSETT, Mexico, no. 51. Transmits documents pertaining to "the seizure of the cargo of the Fair American, and respecting the consular certificates exacted from our merchants in the United States trading to this country. . . .” Describes (Pablo) Obregón’s proceedings relative to the latter as “irregular” and “oppressive” and notes assurances from Mexican officials that they “should” be changed (cf. above, Obregón to Clay, January 4, 1826). Reports that the case of the Fair American has led to the discovery that customs officers at Refugio have frequently plundered American merchants and that he is gathering evidence to lay before the Mexican Government.

Forwards the request from the Mexican Secretary of State (Sebastián Camacho) that Espada, commercial agent of the United States at Campeche, be removed (cf. above, Poinsett to Clay, June 17, 1826). Mentions that “A
Lewis McGregor" (probably John Louis McGregor), an American merchant at Campeche, has been recommended to him for this position (cf. above, Smith to Clay, March 18, 1825, note) but that he would prefer some one known to Clay. Comments that he receives frequent complaints "both of the improper conduct of the authorities of this government in seizing the cargoes of American vessels on the coast and in the harbours of Yucatan; and on the other hand, of organized smuggling trade carried on by vessels sailing under our flag." LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received September 5.

MISCELLANEOUS LETTERS

July 12, 1826

From DANIEL BRENT, Washington. Transmits copies of letters from Everett and Poinsett, "received yesterday and today" (above, Everett to Clay, May 9, 1826; Poinsett to Clay, May 31, 1826), as well as "a long Letter from Mr. [Condy] Raguet, in the original, received likewise yesterday" (above, May 25, 1826); reports that "As a mark of Respect for the memory of the two Ex-Presidents, lately deceased," he has "directed the use of mourning paper and wax for all the official correspondence emanating from the Department. ALS. DNA, RG59, Misc. Letters (M179, R64). Both John Adams and Thomas Jefferson had died July 4, 1826.

To Robert Wickliffe, William T. Barry, and John T. Mason

July 13th 1826.

Take notice that on the 22nd and 25th days of this present month at the Office of Oliver Keen Esq in the town of Lexington, I shall proceed to take sundry depositions between the hours of ten Oclock in the morning and seven in the evening, to be read as evidence in a suit in Chy, depending in Fayette Circuit Court wherein I am Compt and you and others are defendants—

I am Yr. Ob Sert

H. CLAY

DS. Fayette County Circuit Court, Box 823. Cf. above, Complaint, ca. July 5, 1825.

INSTRUCTIONS AND DISPATCHES

July 13, 1826

From ALEXANDER H. EVERETT, Madrid, no. 42. Transmits a copy and translation of the Duke del Infantado's answer to his note respecting an armistice (see above, Everett to Clay, June 25, 1826); remarks that this document looks "rather to a continuance of the war than to an acknowledgment of the Independence of the Colonies." Predicts that the constitution (for Portugal) will be adopted but is less certain of acceptance of the Emperor's (Peter I's) further condition for abdication, "the marriage of the New Queen with her uncle Don Miguel . . . " (see above, Raguet to Clay, May 6, 1826, note). Reports the expectation of the Portuguese Chargé at Madrid, (Joaquim Severin) Gomez, that the "allies" will continue to hold Miguel at Vienna, thus nullifying the Emperor's abdication and affording "favorable opportunity for operations against the

**APPLICATIONS, RECOMMENDATIONS**

July 13, 1826

John Stickney, Louisville, solicits employment. Notes that he could refer to "former acquaintances & relations . . . who were among the first Characters in the Union"; that since moving from Lexington he has "been quite disappointed [sic] in Business"; and that "Mrs. S. by the recomendaion [sic] of Prest. [Horace] Holly [sic] has a school of little girls . . ." ALS. DNA, RG59, A. and R. (MR3). Stickney, who had come to Lexington as a druggist shortly after 1810 and operated a paint store there in 1818, has not been identified in Louisville. He received no Federal appointment. Mrs. Stickney was reported as a fine vocalist. Leavy, "A Memoir of Lexington . . .," Kentucky State Historical Society, *Register*, XLI (1943), 257.

From Thomas H. Gallaudet

American Asylum for the Education & Instruction of the Deaf & Dumb:
Hartford, Conn: July 14th. 1826.

To the Hon: H. Clay, Secretary of State.

Sir,

Your note of May 2d. would have received an earlier reply, had I not been waiting for the publication of the Tenth Annual Report of the Asylum, that I might add it to the other Documents which I have now the honor of transmitting to you; & which will furnish, I think, most of the information that the Baron de Mareuil wishes to obtain concerning our Institution.—

I inclose, also, a statement¹ containing some other particulars which may not appear in the Reports. In doing all of which I take great pleasure in complying with your request; both on account of the interest which you have personally taken in the prosperity of our Establishment,—and of the gratitude which it owes to the Royal Institution in Paris, from which, as you know, it derived such important aid in introducing into our country the most successful [sic] mode of instructing the Deaf & Dumb.—

I send a packet, by the mail, containing the printed documents. I should esteem it a favour to know that it has reached you in Safety.—

I am very respectfully, Your obedt. Servt.—

Thomas H. Gallaudet
Principal of the Amer: Asylum for the Education & Instruction of the Deaf & Dumb.

ALS. DNA, RG59, Accounting Records, Misc. Letters.

¹ A brief sketch of the history of the education of the deaf and dumb in Hartford,

INSTRUCTIONS AND DISPATCHES

From [William] R. Higinbotham. Refers to his letter of June 1, which answered Clay's letter of April 3; notes that two drafts, for $100, each, drawn on the Department of State, have been returned, protested for non-payment; and reports that, believing his accounts now settled, he has re-drawn the drafts, to include the protest charges, for $229. LS. DNA, RG59, Cons. Disp., Bermuda, vol. 1 (M-T292, R1). Received August 4. On July 10, 1826, Higinbotham had sent Clay notice of still another draft, for $100, advanced for relief of distressed seamen. Ibid.

Toasts and Remarks at Lexington Public Dinner

[July 15, 1826]

Our Guest—the Hon. Henry Clay—Could he be more endeared, admired and confided in, his persecutors and slanderers have given him that claim on us.

Volunteers,

By J. B. Coleman. Henry Clay—"Is the Sun dimmed that gnats do fly in it?"1

By Col. Dunham.2 Let the East boast its rubies and pearls, let the South boast its mountains of gold; but we boast a happier land, where Mind is enlightened and free; where Woman is the pride and solace of Man, and where CLAY is sterling coin.

By Charles Humphreys Esq. President Adams and Secretary Clay—the theory and practice of eloquence united.

By Joseph I. Lemon. The Clay of the West—A good manure for the soil of the East. Frequently tried and seldom found wanting.

By a gentleman of Louisiana.3 The Tariff on Sugar—Health and prosperity to the representative of Kentucky, who was foremost in protecting the rights and interests of Louisiana, when abandoned by her own representatives.

When the toast in reference to Mr Clay was given, he arose and expressed his grateful thanks to the company for this testimony of their continued confidence and esteem. He adverted very briefly and eloquently, though in general terms, to the topics alluded to in several of the sentiments previously announced, and in the course of his remarks paid a tribute to the memory of Mr. Jefferson, the melancholy intelligence of whose death he had just learnt.4
Mr Clay concluded by proposing as a toast,—"The three Counties of this Congressional District, Fayette, Woodford and Clark."

Lexington Kentucky Reporter, July 17, 1826. See above, Postlethwait and others to Clay, July 10, 1826.
1 William Shakespeare, Titus Andronicus, Act IV, Sc. iv, line 82.
2 Josiah Dunham.
3 Probably a Mr. Oakley, who attended the banquet in Woodford County, noted below, July 20, 1826.
4 See above, Brent to Clay, July 12, 1826, note.

From T[homas] H. Bradford and Others

To the Hon. Henry Clay. Georgetown, 1 July 15th, 1826.

Sir,— The Citizens of Georgetown and its vicinity, desirous of manifesting the respect and admiration they feel for you, & the estimation in which they hold your long and arduous public services, think proper to invite your participation in a public dinner to be given in Georgetown for that purpose. If the period of your stay in Kentucky will permit you to accept this invitation, they will be proud of the opportunity of extending their hospitality to one so faithful to their Country's interests, and so able in their vindication. Be pleased, in the event of your acceptance, to name the day on which it will best suit your convenience to visit us. The undersigned, appointed a Committee for the purposes above named, feel great pleasure in the performance of that duty, and in the opportunity of assuring you of their high personal consideration and esteem.

Your Fellow-citizens,

T. H. Beadford [sic]
J. F. Robinson
N. M. Flournoy. 2

Lexington Kentucky Reporter, July 24, 1826. Bradford, a young man active in the Masonic Order (Grand Master of the Grand Lodge of Kentucky in 1825), became State senator for Bourbon and Scott counties from 1844 to 1846 and State representative for Bracken County in 1846.
1 Scott County, Kentucky.
2 James Fisher Robinson, graduated from Transylvania University in 1818 and admitted to the practice of law in Georgetown, later served in the Kentucky Senate (1851, 1861, and 1862) and became acting Governor in 1862. Notley Maddox Flournoy was a nephew of Matthews and Francis Flournoy.

INSTRUCTIONS AND DISPATCHES

From J[ohn] M. Forbes, Buenos Aires, no. 38. Notes that a proposed constitution has been reported and is being debated in Congress and that it is said to be patterned closely after that of the United States; reports that "The affair of peace or the continuance of war [with Brazil] is still suspended on the mediation of Lord Ponsonby [cf. above, Raguet to Clay, June 27, 1826], not yet arrived here," but that intensive "efforts for war are going on"; adds, on July 17, "that the Cabinet . . . is divided in opinion as to the probable success of Lord Ponsonby's mediation," which, itself, "may prove another apple of discord here, and . . . end in a War party and Peace party." LS. DNA,
From John T. Mansfield, Pernambuco. Acknowledges receipt of Clay’s letter of April 22. Expresses fear that the recent treaty between France and Brazil (see above, Raguet to Clay, January 17, 1826) will “militate seriously against the Commercial interests of the United States,” in that French flour will be more competitive with the United States product. Reports that American coarse cotton goods “bear a decided preference over those of England” and, if they were charged the same duty as is levied on British goods, “a great field would be opened in this Country for the Manufactures of the United States.”

ALS. DNA, RG59, Cons. Disp., Pernambuco, vol. 1 (M-T344, R1). Received October 19.

Applications, Recommendations

July 15, 1826

EstwicK Evans, Portsmouth, New Hampshire, states that he returned from Greece, “A few months since,” and “was re-elected a representative to the State Legislature”; solicits “a clerk-ship” in the State Department, “with a salary not less than $1000 pr Annum,” where, he has been informed, he would “have considerable leisure time” in which to bring his “knowledge of Gubernation &c to bear upon the politics of the day.” ALS. DNA, RG59, A. and R. (MR2). Substantially the same letter, without date, without the introductory paragraph, and signed “E. Evans,” is located in DLC-HC (DNA, M212, R2).

Evans, admitted to the bar in 1811, had practiced in Portsmouth and Exeter and served in the New Hampshire Legislature (1822-1824) before going abroad to join in the Greek revolt. He saw no action before his return. In 1829 he moved to Washington, resumed the practice of law, and subsequently worked in various governmental offices. He held no appointment under the Adams administration.

To John Dawson

Dear Sir

Lexington 16th. July 1826

Your favor of the 26th. Ulto. communicating the wish of some of my fellow Citizens of Union to honor me with a public dinner, has been transmitted to me from the City, to which place it was addressed. As I subsequently had the pleasure of seeing you, and did not advert to your obliging letter, I have thought it necessary, to prevent misinterpretation, to state the fact of my having just received it.

My friends here have overwhelmed me with their usual kindness.

I am respectfully Your ob. Servt.

H. Clay

John Dawson Esqr

ALS. Owned by Robert B. Jewell, Pleasant View Farm, Wilmore, Kentucky.

Dawson, a native of Virginia, was a lawyer at Uniontown, Pennsylvania, and, for years, a judge of the Fayette County, Pennsylvania, court of common pleas.

1 Not found.

2 Washington.
To Richard Hawes, Jr.

Dear Sir

Lexington 16 July 1826

When will you be here? I should be glad to see you prior to my return, which will be in two or three weeks.

Have you been able to collect the amt. of my debt ag. Combs?1

What is the state of the suit respecting the Olympian Springs?2

I wish you would obtain an order for the possession, or to [sic] direct the payment of the rent to a responsible receiver, as I fear there will at all events be a difficulty in obtaining the amt. of the debt. Yr’s faithfully

H. CLAY

ALS. Richard Hawes Papers, owned by Albert Hawes, Park Hills, Kentucky (microfilm in KyU). Addressed on cover to Hawes at Winchester, Kentucky.

1 See above, III, 127.

2 Suit not found. Cf. above, I, 782n.

From Christopher Hughes


As I passed through Antwerp I requested our Consul, Mr. Barnet,1 a very respectable and worthy young man, to send me, to this place, a Broker’s report on the Port charges of Antwerp, on a Dutch & an American Ship of 300 Tons, & in all respects, similar, one to the other!

I have just received Mr. Barnet’s letter; it concerns only the Port charges, and not the question of inequality of duties, or drawback allowed, of 10 pr. Ct., to National Ships!

An American [sic] of 300 Tons pays, port charges, 993:86.

A Dutch man of 300 Tons pays 949.55.

So, even in Port charges, we pay 44 florins, or about 18 dollars, more, than the National Ship! This may be a mere trifle & of no moment; but it is certainly of some moment, to know how Prester John2 behaves himself at Sea; we know what his conduct is on shore; Mr. Barnet’s letter, (which I send in confidence and for your amusement:) will illustrate the former branch of this interesting subject.3 I am very glad that he & I were not thrown into the same Ship; for we might have finished by one of us being thrown overboard; did you ever hear of so insupportable & devilish a creature as he is? I heard from the young Iningers, of Antwerp, & Mr. Barnet, several ridiculous anecdotes of his deportment & conversation, when he was at Antwerp, last year!4 It is marvellous that he does not get his neck broke! I wish Calvert & he had got to loggerheads; but I suspect that, if there be any thing Calvert values, besides his purse, it is his person. He seems to have evidently
preferred it, to the chaste ear of his daughter; & John, of Pokomolee, seems to know what part of a woman, he can best attack; I doubt if he ever were, or will be, offensive to the sex, in any other way!— or place!—

I have found a number of old acquaintances here among the corps diplomatique; I have met a very kind and friendly reception from Sir C. Bagot, who made very particular & earnest enquiries about you; I gave him your message; at which he was much pleased; and desired me to assure you, that you have his heartiest and best wishes for your prosperity both public & private. His father & mother in Law, the Maryboroughs, are here on a visit to him & his eldest daughter, 17 years old; one of the most beautiful young women I have ever seen. I knew Lady Maryborough (Wellesley-Pole) formerly; as you may suppose, I have been closely interrogated about the Caton & Carroll connections, and their wealth, & “how much?” (the old question;) the Lady Wellessley [sic] may expect to inherit.—

The French Minister Count d’Agoult, & one of his secretaries, are old co-labourers of mine, in Sweden; I knew the Portuguese Minister, Chevalier de Lima, at Petersburg; a very respectable & honorable man; but the cleverest and most learned of them all, is Mr. d’Ohsson, the Swedish Minister, an old & intimate friend of mine; he is a very great oriental scholar; but, besides that, quite au-fait, to the European world, & all its tortuous politics. I shall turn all my private resources of the above description, to the objects of being informed of any & every thing, that may be going on in the political world, & that may be worth reporting. The terms of confidence & intercourse on which I lived, with all my colleagues at Stockholm, are known here, by their respective fellow servants; & several of them have already given me to understand, that they will be most happy to communicate with & to me; & to inform me, whenever there may be any thing worth knowing; & so on!—

The discussions, & almost disputes, between this court & that of Vienna, about the free navigation of the Rhine, have excited a good deal of interest; the Baron Verstolk is considered to have gained a triumphant victory over the Austrian Minister Count Mier:* (a very punctilious and hautain Gentleman, as I learn: & of course, I shall keep clear of him, & be ready for him:) and the spirited manner in which Bn. Verstolk disclaimed all gratitude to Austria, on the part of the Family of Orange, for their present kingdom and vindicated the claims of that house to the respect and admiration of the world, & to the love, devotion & veneration of their old subjects, has gained him much praise, and netted the Prince Metternich amazingly. The french Legation who take the
Dutch side & feeling in the question, chuckle and delight in all this! I am not yet sufficiently informed of the merits & points of the controversy, to send you a Summary.

The family quarrel between the Sultan & the Janisarries [sic], is regarded as a most momentous event; and tending to great consequences; it is believed, that it will make the Turkish Government more pliant and accommodating, in the approaching Conferences with ye Russian Commissioners; and that its general influence may be friendly, or rather, favourable, to the Greeks! All unite in expressing the warmest concern & sympathy for the latter, since the fall of Missolonghi; except, perhaps, the Austrians!—There is an undisguised joy at the very uncomfortable & I think, lamentable defection of Paez, & his party, among the allied-ministers; and it has been hailed, as the fore-runner of all sorts of commotions and decompositions, among the South-American-Governments. I have had a long talk, with the Prince Frederick, the King's younger son, on these matters, to day; he is very well informed and equally well disposed, on the subjects; regards Paez's affair as belonging to the nature of things, in new Governments formed of materials, but lately redeemed from the abyss of tyranny;—thinks it very interesting to the immediate parties on the spot; but of no manner of importance or promise, so far as King Ferdinand, may imagine his spanish [sic] rights & hopes involved. The Prince told me, that he had letters of the most friendly and flattering kind, on our subject, from the D. of Saxe Weimar, who had been delighted with his visit & reception in U. S! & he expressed his gratitude for the welcome & kindness that had been shewn to the Dutch Ship of War, navigated by Cadets, that had been in our Waters. —I am, my dear Sir, most truly & respectfully Yr. Sert & frd. C. Hughes.

Mr. Clay—Washington

*Prince Metternich wrote the Austrian note, & sent it, cut & dry to Count Mier; it & the answer of Mr. Verstolk are now printed & selling at Brussels for the Benefit of the Greeks! So, the labours of Metternich [sic] have produced a singular effect.
INSTRUCTIONS AND DISPATCHES

From Thomas L. L. Brent, Lisbon. Refers to a statement, in his dispatch no. 24 (above, July 10, 1826), that Austria had not “been consulted as to that
part of the arrangement with Brazil which regards the establishment of a Constitution in Portugal; emphasizes "this... [as] a point of some magnitude"; and notes that time for new instructions to be sent the Austrian Ambassador "will be allowed by the dilatoriness of the Regency..." ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6).

From Frederick Jacob Wickelhausen, Bremen. Comments on the "distressed situation" of trade; notes complaints of ship captains concerning the difficulty in obtaining enough American seamen for their crews; and states that both (James R.) Reily and (the Reverend Benjamin) Kurtz, of Hagerstown, Maryland, have "produced to" him Clay's letters of recommendation (not found). ALS. DNA, RG59, Cons. Disp., Bremen, vol. 1 (M-T184, R-T1). Received September 9. The Reverend Benjamin Kurtz, one of the founders of the Evangelical Lutheran Church at Harrisburg, Pennsylvania, in 1795, when the division from the German Reformed Church occurred, had been pastor since 1815 of the St. John's Lutheran Church at Hagerstown. In 1825 the General Synod of the Evangelical Lutheran Church had established a theological seminary at Gettysburg, Pennsylvania, for which Kurtz had been sent to Germany to solicit funds. Cf. above, Reily to Clay, July 5, 1826.

To James Barbour

Lexington 17th. July 1826.

I recd. from Mr. Sloane[1] the inclosed letter which I send to you for your perusal of that part, in particular, relating to a survey of a proposed route for a road. In reply to his letter, I have ventured to state that I was quite sure you would direct the survey if the public interests would admit of it. Of that you are and I am not competent to decide. I am certain you must cherish towards Mr. S. the same friendly feelings that I entertain for him.

We have just heard of the death of Mr. Jefferson. If it were to happen about that time, all must be pleased that it happened on the day it did. It is a singular coincidence.2

As far as my observation extends the accounts of the state of public sentiment in K. which I recd. prior to my leaving Washn. are fully confirmed.

You will have heard of the extraordinary circumstances respecting Beauchamp and his wife and Deshea [sic].3 The death of the latter, from the attempt made by himself on his own life, is believed inevitable, although we are not yet at this place informed of its having actually taken place.

I am with great regard Yr's faithfully

H Clay

The Honble J. Barbour.

ALS. NN.

[1] Probably John Sloane. Sloane's letter and enclosure and Clay's reply have not been found.
JULY 17, 1826

To T[homas] H. Bradford and Others

GENTLEMEN.  Lexington, July 17th, 1826.

It would have been highly gratifying to me, if circumstances had been such as to admit my acceptance of the friendly invitation of my fellow citizens of Georgetown and its vicinity to a public dinner, conveyed in your obliging note of the 15th instant, just received; but the shortness of the period which I expect to remain at home, compels me to forego the pleasure of meeting them, without a neglect of some of the essential objects of private business and duty which require my attention. I hope you will make acceptable this apology, and at the same time assure them of my lively gratitude and respectful thanks, for this renewed testimony of their favour and confidence. Allow me also to add, gentlemen, the expression of my acknowledgments for the kind and polite manner, in which you have executed the appointment confided to you, and the communication of the sincere personal regard of Your obedient and faithful Fellow-citizen, H. CLAY.

To Messrs. T. H. Bradford, J F Robinson and N M Flournoy.

Lexington Kentucky Reporter, July 24, 1826.

From Thomas Jefferson Bartlett and Others

To the Honorable H Clay Versailles July 17. 1826.

Sir.

The undersigned in behalf of the Managers of a Barbacue [sic] and Dance, to be furnished by James D. Smith on the LaFayette Green¹ near Versailles, on Thursday next; Beg leave to congratulate you on your return home, to the bosom of your family and friends, and to assure you of the unabated regard and Esteem of the Citizens of Woodford—and to request that you will honor us with Your Company on that day—.  Thos. Jefferson Bartlett

James Huggins

D. L. Jackson²

John W. Coleman.

INSTRUCTIONS AND DISPATCHES July 17, 1826

From Christopher Hughes, The Hague, no. 2. Reports a private audience with the King (William I) and a conversation with Prince Frederick; comments

¹ Neither Smith nor the Green (or Grove) has been further identified. Cf. below, Toasts, July 20, 1826. ² Huggins and Jackson have not been further identified.
that he (Hughes) has not met the Hereditary Prince of Orange who "is as remarkable for his indifference, as his Brother [Frederick] is for his devotion to public affairs." ALS. DNA, RG59, Dip. Disp., Netherlands (M42, R12). Received September 24. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1716. Cf. above, Hughes to Clay, July 16, 1826. The "Hereditary Prince of Orange" was William, who ascended the throne, as the second of that name, in 1840.

From Condy Raguet, Rio de Janeiro, no. 12. Notes that "the French agents" sent to Chile and Peru (see above, Raguet to Clay, June 27, 1826) "have the commissions of 'Inspectors General of commerce,' or some such title, and not that of 'Consuls General';" that the French derive "very considerable" benefit from their treaty with Brazil (see above, Raguet to Clay, January 17, 1826); that a convention has been concluded between Brazil and Austria "as preparatory to a treaty which will be negotiated at Vienna"; "that a secret convention between Brasil and Portugal was concluded with the treaty of Independence on 29 August," providing for payment of two millions sterling" by the former to the latter (see above, Raguet to Secretary of State, March 11, 1825, note); that a deputation lately arrived from Portugal was sent, "It is thought," to invite Dom Pedro (Peter I of Brazil; Peter IV of Portugal) "to transfer the seat of his Government . . . to his European dominions"; and that notice has been transmitted to Dom Miguel of his brother's intention to send for him (cf. above, Raguet to Clay, May 6, 1826). Comments that "Lord Ponsonby has not yet sailed for Buenos Ayres"; refers to possibility of the establishment "of the Banda Oriental as a separate State under the protection of some European Power"; observes that Brazil would rather surrender the province "to the enemy, in preference to admitting the protectorship of Great Britain"; and, pointing out that (Theodoro Joze) Biancardi has not gone to Panama, remarks that "his very appointment appears to have been forgotten." Reports the case of "the brig Leonidas of Boston" (see above, Bond to Clay, June 30, 1826); notes that evasions of the blockade will probably lead the Brazilian Government to "resort to bonds, in relation to all vessels of doubtful destination"; cites the probable "calamitous" effect of the blockade on the British as a result of its official recognition by their government, "even as to their publick ships," and adds that "the French . . . have also begun to suffer." States that he has informed Brazilian officials that, if one of "the publick ships of the United States . . . had occasion to go" to Buenos Aires, no permission would be asked and, "if she was stopped, it must be by the force of balls." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received September 8. Extracts published in American State Papers, Foreign Relations, VI, 1028-29; Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 857-60.

APPLICATIONS, RECOMMENDATIONS

July 17, 1826

E[ze]kiel F. Chambers, Annapolis, recommends Arthur Shaaf, of Annapolis, for a clerkship in the State Department. ALS. DNA, RG59, A. and R. (MR3). Shaaf, a young man of twenty-two, received no appointment.


Gent.

Lexington 18h. July 1826

I have recd. and with much pleasure accept the very obliging
invitation which on the 17th. inst. you did me the honor to address to me, inviting my attendance at a Barbacue [sic] and Dance on the LaFayette Green. And I thank you for your kind greetings on the occasion of my recent return home. The assurance you are pleased to communicate, of the unabated esteem and regard of my fellow Citizens of Woodford, affords me very great satisfaction. With my best wishes for their prosperity, and my acknowledgments to the Managers of the Barbacue and Dance, I pray you to accept the friendly assurances of Your faithful & ob Servt. H Clay Mess. T. J. B. J. H. D. L. J. & J. W. C. &c &c &c

ALS. DLC-HC (DNA, M212, R2).

MISCELLANEOUS LETTERS

July 18, 1826

From Isaac N. Cox, "Judge of the County Court for the County of St. Johns," St. Augustine. Requests that the United States marshal be directed to allow the sheriff of St. Johns County to use some part of Fort Marion as a jail. ALS. DNA, RG59, Misc. Letters. Published in Carter (ed.), Territorial Papers, XXIII, 611. Fort Marion, on Matanzas Bay at St. Augustine, had been renamed in January, 1825, as a change from the appellations, Fort St. Marks or Castle San Marcos of English and Spanish occupation. Begun in 1672, it had not been completed until 1756. Cox, until the spring of 1823, had been a resident of Philadelphia. He had been appointed judge of county court for St. Johns in March, 1826.

From Benjamin Doom and Others

Hon. Henry Clay Bards Town July 19th. 1826.

Sir,
The citizens of Bards Town have have [sic] just heard of your arrival in Kentucky. They presume that your stay amongst us will necessarily be of short continuance. They desire to have an opportunity of testifying in a social, yet public manner, the high sense they entertain of the distinguished services you have rendered our common country, in many of its civil departments—and also, of their continued & unshaken confidence in your integrity, & capacity, to discharge the duties of the high office you now fill. The undersigned having been appointed the organs for the expression of those wishes, request that you will be pleased to signify by an answer, whether, & when, you will be enabled to attend & partake with them a public dinner at Bards Town.

With sentiments of the highest respect & esteem we are Your fellow Citizens Burr Harrison Ben Doom Tho. Speed James M Brown D. S. Howell William R. Hynes¹ Saml T Beall

1 Harrison was a physician; Beall and Brown, architects; Daniel S. Howell and the others, not occupationally identified, were all prominent as “family names of the builders of this town.” Mattingly Spa’ding, Bards town: Town of Tradition (Baltimore, 1947), 23-24.

INSTRUCTIONS AND DISPATCHES

July 19, 1826

From John Cuthbert. Acknowledges receipt of Clay’s letter of April 15; informs him of the killing, on board the “Arbella [sic]”, of Boston, of (William) Davis, by a fellow crewman, (Louis Anthony) Humbert, “while the Ship was at anchor off Gluckstadt” and of the detention of Humbert; transmits copies of his correspondence with officials in Hamburg, who “declare the Courts here incompetent to decide” the case; requests instructions. ALS. DNA, RG59, Cons. Disp., Hamburg, vol. 3 (M-T211, R3). Received September 20. Undated, but cf. below, Cuthbert to Clay, December 18, 1826. Among the enclosures is a copy of a letter, dated July 21, in which Cuthbert informs James Brown of the case, states that Humbert, a Frenchman, wishes to be sent to France for trial, and notes that he has “advised Mr. Clay of all that has taken place . . . .” An endorsement by Clay, A1, sketches the answer as presented below, Clay to Cuthbert, September 26, 1826.

From John Rodgers, “U. S. Ship N. Carolina: Vourla (Asia Minor).” Reports two meetings “with the Capudan Pasha of the Ottoman Fleet” (Khosref Mehmet), whom he informed of the wish of the United States Government to enter “into relations of friendship and commerce with the Porte,” on the basis of the most favored nation, and who, at the second meeting, stated that he had written the Sultan (Mahmud II) respecting the proposal. Adds that, early in November, he expects to receive the response of the Turkish Government, which he will forward. ALS. DNA, RG59, Dip. Disp., Turkey, vol. 1, part 1 (M46, R2). Received November 14.

From Beaufort T. Watts, Bogotá, no. 11. Reports the murder of Harris E. Fudger, United States consul for Santa Marta, “in this Republic,” while asleep in his lodgings; notes “that President [Simón] Bolivar is shortly expected in Bogota.” ALS. Ibid., Colombia, vol. 4 (M-T33, R4). Copy, dated July 17, in MHi-Adams Papers, Letters Received (MR477). Received September 4.

APPLICATIONS, RECOMMENDATIONS

Augustine G. Dauby, Utica (New York), suggests that a newspaper in Utica, preferably his own, be selected to publish the laws. ALS. DNA, RG59, P. and D. of L. Dauby, who had established and edited a Rochester newspaper from 1816 to 1821, edited the Oneida Observer from at least as early as 1824 and for many years subsequently. Neither he nor Utica received the contract for public printing as here requested.

Toasts and Speech at Barbecue

[July 20, 1826]

Our distinguished guest, HENRY CLAY—Although envy may
July 20, 1826

traduce his good name, and malice persecute him, we who know him best, duly appreciate his worth, and say, "well done thou good and faithful servant."

6 cheers.

VOLUNTEER

By Mr Clay. The prosperity of the State of Kentucky.

Mr Clay addressed the company when his health was drank [sic], in an eloquent manner.— In the course of his remarks he adverted briefly to the prominent measures of the day, and assured his friends, that but one sentiment, and that of the most friendly character, prevailed in the Executive branch with respect to those subjects of either a local or general nature, in which the people of the West felt a deep interest.

Lexington Kentucky Reporter, July 24, 1826. “On Thursday last a Barbecue was given to Mr Clay in Woodford County, at the Lafayette Grove [cf. above, Bartlett and others to Clay, July 17, 1826], near Versailles. It was attended by upwards of 250 gentlemen and about 50 ladies. Charles Railey Esq. acted as President and Willis Fields [sic] Esq. as Vice President.” Ibid.

INSTRUCTIONS AND DISPATCHES

July 20, 1826

From Alexander H. Everett, Madrid, no. 43. Transmits a financial statement of the Spanish Government and notes that a French banker has offered to lend money to that Government at interest amounting to 30 percent; reports that “The new Constitution has been accepted in Portugal” (cf. above, Raguet to Clay, May 6, 1826); and warns that “the late events in Columbia [sic] . . . [see above, Litchfield to Clay, May 22, 1826; MacPherson to Clay, June 19, July 3, 1826; Foster to Clay, July 2, 1826; Lamson to Clay, July 5, 1826] will encourage this [Spanish] government very much, and check entirely for the moment the progress of the negotiation for the acknowledgment of the Colonies.” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received September 18.

From J. M. Kankey, United States consular commercial agent, Barbados. Refers to his last dispatch, dated “in March Ultimo” (not found), which “gave information that the Surveyor Genl. of His Majesty’s Customs, then here, had ordered, that all American Vessels, entering at this Port, should be measured by the English rule . . . and Duty collected by such admeasurement.” Notes that by this ruling the vessels “are made to Ton about eleven per Cent more than by Register.” Comments that “very little produce of the United States is carried to here in British bottoms.” ALS. DNA, RG59, Cons. Disp., Barbados, vol. 1 (M-T333, R1). Addressed to Secretary of State; received September 18. Kankey not further identified.

From Franklin Litchfield, Puerto Cabello. Inquires whether the consul should extend relief to American seamen who, after defecting to Colombian privateers, come back to port in distress. Comments upon the political situation in that part of Colombia and his fear of civil war if (Simón) Bolivar does not arrive soon. Again urges the United States to send men of war to those
waters. ALS. Ibid., Puerto Cabello, vol. 1 (M-T229, R1). Extract in MHi-Adams Papers, Letters Received (MR6476). Received August 12.

From William Stirling, Barcelona. States that he has “taken good care, to make the treaty with Columbia [sic] known in this place” (see above, Clay to Salazar, March 21, 1825, note) and that more American vessels would call “this way . . . was it not for the heavy tonnage of” $1.40 charged them there, compared to one dollar in other Spanish ports. ALS. DNA, RG59, Cons. Disp., Barcelona, vol. 2 (M-T121, R-T2). Received September 30. Stirling, who had served as vice consul at Barcelona since 1817, was named as consul to that port in 1829 and held the office until 1835.

From John C. Sullivan

St Louis 21. July 1826

Yrs of the 22nd Ult1 has been recd.— Inclosed is the deed2 and directions as to the manner our Statute [sic] requires it to be acknowledged— There has been no decision as to the legal definition of the words “legal representatives [sic]” but the general understanding is that it includes Assignees as well as heirs— There have been a great many Suits about Madrid claims and no objections have been made against the meaning of those words— William Robertson died without Children, and by our Statute, his Father3 had a life estate in his property [sic]— There were Seven Brothers & Sisters who gave a Power of Atty to the Father to Sell this Claim of 640 acres— It was sold to Ogden, by him to Tanner,4 by him to Col Morrison5— After I became agent for Col Morrison I found that one Evans had a claim to part of this land, on enquiring of him as to its nature he said that four, of the Children, who gave the power of atty to the Father, were under age at the time and that he had purchased their Shares— I wrote to Tanner on the Subject, who acknowledged that two were under age, but that they had not sold to Evans, and that he would perfect the title, which he has never done— After Consulting with Mr. R. Scott I deemed it most advisable [sic] to prove up the preemption right to the quarter on which the improvements were and which is the best part of the land, and to put this part beyond dispute by paying the Congress price. Old Robertson is yet alive but I presume on his death, Suit will be Commenced on the part of those who were Minors at the time of making the powers of Atty— Tanner still promises to perfect the title but I have no Confidence in him— Government has been twice paid for this quarter, first by getting [sic] the land at Madrid for which this was given, secondly, by getting the money for one quarter section of the land, on which the Claim was located— Previously to receiving [sic] Your last I had remitted you the money recd. of Mr. Pettis, he says he
forwarded by the same mail, an acct. of the amt recd. his charges &c. If you have any doubts as to its Correctness, let me know, and I will examine into it. Have you Any Agent to pay the taxes on yr Military lands? My object in making the enquiry is that I may know whether to pay them or not. Last year I directed the Agent in that Country to pay the taxes in Case there was no Agent marked on the List. He did So & I have charged the amt to you.

resptfully [sic] John C Sullivan
direct to St Ferdinand Mo.


1 Not found.
2 Not found.
3 Not identified. A William Robertson was operating a tavern in Franklin County, Missouri, in the fall of 1826.
4 Ogden has not been identified. James Tanner, rather than Edward (above, III, 532n), was involved in this transaction. Also a resident of New Madrid, Missouri, James was probably a brother of Edward.
5 The last four words interlined. A line of text containing unclear deletions and interlineations omitted by editors.
6 The Sullivan letter and the Pettis account have not been found. Cf. below, Pettis to Clay, February 21, 1827.
7 Cf. above, II, 578-79: III, 346.

From William] B. Wallace and Others

Dear Sir, Frankfort, July 21st. 1826.

The Citizens of Frankfort, and of the County of Franklin not insensible to the debt of gratitude that not only Kentucky and the United States, but the human family at large owe you for the able, consistent, comprehensive, liberal, and virtuous course of your long and laborious public life, are desirous of offering some small testimonial of that respect for and unshaken confidence in you, which it is their pride to cherish. They have therefore appointed the undersigned a committee to ask of you the honour of your Company at a dinner which they propose giving you in Frankfort at such time as may best suit your own convenience; will you be so good as to inform us whether we may have the pleasure of dining with you, and also at what time you can most conveniently attend.

Accept, Sir, the warmest assurances of the high consideration with which we are Respectfully Yours

Wm B Wallace
Jas W. Denny.
John Harvie
J. J Crittenden

D Mayes
P. Dudley
F P Blair

L.S. DLC-HC (DNA, M212, R2). Addressed to Clay at Lexington. Wallace was probably the veteran of the Revolution who had come to Kentucky from Augusta County, Virginia, as a pioneer settler of Lawrenceburg.
INSTRUCTIONS AND DISPATCHES

July 21, 1826

From Robert Anderson, Cartagena. Reports the arrival, on July 14, of his brother, Richard C. Anderson, Jr., who is ill; notes the violence of yellow fever at Cartagena; adds that the condition of his brother is not dangerous. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received August 28.

Robert Anderson, son of Richard C. Anderson and brother of Larz Anderson, had been graduated from the United States Military Academy in 1825 and, in the same year, had accompanied his half-brother, Richard C. Anderson, Jr., to Colombia. He later taught at the Military Academy, fought in the Mexican War, and was in command of Fort Sumter at the outbreak of the Civil War. He retired from the Army in 1863, because of disability, and lived for a time in France, where he died in 1871. Cf. below, MacPherson to Clay, July 26, 1826.

From Thomas L. L. Brent, Lisbon, no. 25. Reports that “The Commission appointed to prepare the instructions for the calling of the Cortes held their first meeting”; that the Regency has published a decree directing that “the Constitution should be sworn to throughout the Kingdom” (see above, Raguet to Clay, May 6, 1826); that efforts of the ultra-royalists have been unsuccessful, while the authorities have acted to restrain “the turbulent and disorderly demonstrations of publick joy at the theatres” in favor of the Constitution. Encloses copies of letters exchanged by the Princess Regent (Isabel Maria) and her brother, Dom Miguel; transmits also the hitherto unpublished “Convention additional to the Treaty between Portugal and Brazil” of August 29, 1825 (see above, Raguet to Secretary of State, March 11, 1825, note), by which Brazil agreed to pay two million pounds sterling to Portugal and “all the reclamations of the one party on the other are considered to be extinguished,” with certain exceptions. LS. Ibid., Portugal, vol. 7 (M43, R6). Received August 24.

From John A. King, London, no. 1. Reports that “nothing of any moment has occurred” since the departure of his father (Rufus King), July 6; cites continued depression in manufacturing and trade; notes daily expectation of (Albert) Gallatin’s arrival; encloses a copy of a note from (George) Canning transmitting “the New Alien Act; which, will be found . . . to be more Vexatious to Foreigners . . . than the Law, which it repealed.” ALS. Ibid., Great Britain, vol. 33 (M30, R29). Copy, in MHi-Adams Papers, Letters Received (MR476). The previous legislation respecting aliens having expired, the new act (7 Geo. IV, c. 54) had been presented as a “milder set of regulations.” It required registration of aliens—their name, rank, occupation, country from which they had last come, place to which they intended to go, and names of any persons to whom they were known. Such declaration was required twice a year, as a minimum, though it could be demanded oftener. Passports were to be surrendered upon entry and not returned until departure from the country. Under no circumstances, however, could the alien be deported against his will. Annual Register, 1826, “History,” 166-67.

APPLICATIONS, RECOMMENDATIONS

July 21, 1826

Zechariah G. Lamson, La Guaira, refers to his letter of July 5; again solicits appointment, to the consulate at La Guaira, of George D. Caster, whose references include William Richardson of Lexington, Kentucky, with whom Clay was “in the habit of intimacy in New Orleans and since in Lexington.” ALS. DNA, RG59, Misc. Letters (M179, R64).
HoN: H. CLAY:  WINCHESTER, July 22, 1826.

Dear Sir— We as a committee in behalf of the people of Clarke county, and town of Winchester, beg leave to offer you their cordial and respectful salutations upon your arrival in this district.

The change of political relation has not altered the high estimation, which they have so long placed upon your public services and private worth, and they now hasten to tender their congratulations, to the first minister of the Republic, upon his arrival among them, with the same friendship, affection and confidence, which you have so often experienced upon your return from the Congress of the nation while their immediate representative.

That portion of your late constituents which we on this occasion have the pleasure to represent, are anxious to see and greet you individually; and have directed us to invite you to partake of a public dinner at this place on the 29th day of this month.

In noticing the character of the opposition which has been waged against the administration of the general government, and against yourself in particular, we have felt no surprize; for experience had taught us, that the most exalted wisdom, and the purest virtues will not protect the government from the assault of faction. History proves, that the violent, desperate and discontented part of every nation, united under the banners of disappointed ambition, will always constitute an inveterate opposition to the best of governments.

Heretofore the factious in these United States have had the address to make their opposition plausible. Even Washington did not escape the virulence of party hostility, and his opponents endeavoured to dignify their opposition with the name of principle; but the present adversaries of the government seem to stand confessed contenders for place and power.

We have the most lively confidence that the good sense of the American people, will distinguish between the measures of a wise administration, and the selfish efforts of a faction, whose object is manifestly the gratification of private ambition.

That the leaders of the opposition should reserve and pour out upon you, the very bitterest of their revilings was to be expected. The estimation in which you are held as a statesman in the two Americas, and in Europe, and the anxiety that is felt by the friends of human happiness and free principles throughout the world to see you have an efficient influence in the American Cabinet, have made you the chief obstacle to the success of the faction, and of course your destruction is their first and main object.

Those who dare not meet you on [sic] the arena of honorable and
true ambition; where talents are measured, and where worth and services are compared, have sought in vain to deprive you of your well earned fame, by the base and detestable arts of falsehood and detraction.

You have been engaged in the discharge of arduous public duties. The eyes of a nation have rested on you. You have stood the scrutiny of an inquisition erected for your condemnation, and the blows of your enemies have only served to burnish brighter the escutcheon of your fame.

Your fellow citizens feel a pride in this triumph of political rectitude, which they wish not to suppress. On all occasions they sympathise with the victim of calumny. But when they view the arrows of detraction levelled at the breast of him, who has grown up among them, and upon whom they rely, as upon their own right arm, his cause is their cause, and his success is their triumph.

Go on,—persevere in your efforts for the good and glory of the nation. If there be any place in this world where virtue shall have the ascendancy over vice—where truth shall prevail against falsehood, where the real statesman and true patriot shall triumph over the ambitious pretender, that place is surely these United States.

Accept assurances of our individual friendship,

HUBBARD TAYLOR,          WILLIAM M’MILLAN,
THOS. R. MOORE,           CHILTON ALLAN,
HAY BATTAILE,             JAMES SIMPSON,
JOHN MILLS,              RICHARD HAWES, JR.
JOHN T. WOODFORD,        RICHARD FRENCH,¹
BENJ. H. BUCKNER,        ISAAC CUNNINGHAM.

Lexington Kentucky Gazette, July 28, 1826.

1 Admitted to the bar in 1820, member of the Kentucky Legislature from 1820 through 1826, judge of circuit court (1828), and member of Congress from 1835 to 1837, from 1843 to 1845, and from 1847 to 1849. French was a Jackson elector in 1828 and the Democratic candidate for Governor in 1840.

INSTRUCTIONS AND DISPATCHES

July 22, 1826

From JOHN MULLOWNY, Tangier, no. 46. Reports that “the Emperor [Abd-er-Rahman II] has instructed the Bashaw [Ali, his son] here” to give considerate treatment to South American vessels that may visit the port and has stated his willingness to receive an authorized person “to arrange a treaty, between His Majesty and the Republicks of South America”; that “It is in contemplation to send out two, (perhaps three) small cruisers, against the commerce of . . . nations not in treaty with His Majesty”; that “the South Americans, are excepted”; and that “the commanders, will be instructed, to give as little trouble as possible to American vessels . . . .” States that, when the cruisers are ready to go to sea, he “will apprize Commodore [John] Rogers [sic] of the movement . . . .” ALS. DNA, RG59, Cons. Disp., Tangier, vol. 4 (M-T61, R4). Received September 30.
To Hubbard Taylor and Others

Gentlemen:— Lexington, 24th July, 1826.

I have received, with lively emotions of gratitude and thankfulness, your affectionate note of the 22d instant, expressing the friendly congratulations of my fellow citizens of Clarke and Winchester, in consequence of my recent return to Kentucky, and inviting me to a public dinner which they propose on the 29th inst. Such an honorable testimony of esteem and confidence, emanating from any portion of the public would be highly gratifying, but proceeding as it does from a respectable community, with many of whose members I have been intimately associated, in public and private life, for more than a quarter of a century, it has a value which no language can adequately express. I regret that the circumstances of my situation will not allow me to accept the honor intended me. I came home to see my relations and friends, but to see them informally and without parade, to transact some private business and to recover from the fatigues of a laborious office. Occurrences since I left Washington oblige me to abridge the time which I had hoped to abide in Kentucky, and I must dedicate the small remnant to my private affairs. I trust that the people of Clarke and Winchester will be persuaded, that in thus yielding to the necessity which controls my movements, I shall not be less mindful of the new and the old obligations under which they have placed me.

The administration of the general government has experienced, in some of the measures they have proposed, a degree of opposition which could not have been anticipated. I take upon myself to assert, with perfect truth, that those measures were results of an anxious desire to promote the public prosperity. Whether their actual tendency will be good or bad must be decided by time and the public judgment. To these tests the most confident appeal is made.

I thank the people of Clarke county and Winchester for the sympathy and interest which they kindly feel in my behalf. I have borne my full share of calumny & abuse; but I have enjoyed, at the same time, the consolations which ardent, enlightened and devoted friends and conscious rectitude must ever inspire. I defy my accusers to point out, in the measures of the present administration, a single deviation from those great principles of national policy, of which I have ever been a faithful, if not an efficient supporter. If they choose to arraign me for not hitching myself to the car of a particular individual I plead guilty. The invariable principle of my public life has been earnestly to enquire after and fearlessly to pursue what appeared to me for the public good. In
acting upon it, I have confided in the just awards of the public intelligence, deliberately pronounced. I have not been, nor shall I be, deceived. Cheered by the animating encouragement which I am happy to receive from the great body of the nation, as well as from both the local parties of my own state,¹ I will, whilst life and health are spared me, obey your mandate, to persevere in my humble endeavours to advance the happiness and prosperity of our common country.

Accept gentlemen assurances of the sincere respect and regard of your friend and fellow citizen, H. Clay.

To Messrs. Hubbard Taylor, &c. &c.

Lexington Kentucky Gazette, July 28, 1826.

¹ Cf. above, Crittenden to Clay, December 26, 1825; April 27, 1826; Clay to Crittenden, March 10, May 11, 1826.

To W[illiam] B. Wallace and Others

LEXINGTON, 24th July, 1826.

Gentlemen— I acknowledge the due receipt of your letter of the 21st inst. inviting me, in behalf of the Citizens of Frankfort and the County of Franklin, to a public dinner, at such time as might be convenient to me. It is with very great regret that I am compelled, from the shortness of my sojourn in Kentucky, and other considerations, to decline an invitation the value of which is much enhanced by the friendly and flattering expressions in which you have had the goodness to communicate it. In making known to my fellow citizens whom you represent, this necessity which deprives me of the pleasure of meeting them, I have to request that you will assure them, that I shall ever retain a proud recollection of this manifestation of their attachment and confidence; and also that you, gentlemen, will be assured of the high personal esteem of Your faithful and Obedient servant, H. Clay.

Messrs. W. B. Wallace &c. &c.

Lexington Kentucky Reporter, August 21, 1826.

Receipt from John Wirt

[July 24, 1826]

Recd. Lexington July 24th. 1826 of H. Clay Sixty three Dollars & twenty five cents his town tax for the present year

John Wirt Colr. T. T.

ADS. DLC-TJC (DNA, M212, R16).
From Heman Allen, Valparaiso, no. 36. Reports having “received official notice of the election of President [Manuel] Blanco [Encalada]. . . .” ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received October 25.

From John Rainals, Copenhagen. Reports the arrival of (John A.) Dix, bringing the treaty with Denmark and Clay’s letter of May 19. States that he has delivered to Count (Ernst Heinrich) Schimmelmann Clay’s “Inclosure for him” (above, May 19); that he will learn in eight days the decision of the King (Frederick VI) concerning the treaty. Adds that American trade with the Baltic has declined and that the quarantine of vessels from Havana has been relaxed. ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received September 29.

From Daniel W. Smith, Matamoros. States that local officials “Act from prejudice more than Justice with all Foreigners” and that “a statement of . . . grievances” has been sent to (Joel) R. Poinsett. ALS. Ibid., Matamoros (M-T18, R1). Received September 7.

To [John Quincy] Adams

My dear Sir

I offer you my felicitations upon the illustrious death of your father. For, considering its time and manner and his advanced age, I do not think that the sentiment of Condolence is that which justly belongs to the occasion. Who would not have been willing to have died such a death, after having [sic] lived such a life? For myself, I should esteem it happy to have died as he did, twenty years before the usual duration of human life. Without indulging in a spirit of superstition, it is impossible to contemplate the dissolution of your father and Mr. Jefferson without believing that it has been so ordered to produce a great moral effect upon the American people their liberty and their institutions. May they profit by the solemn lesson!

I received your letter respecting that of Mr. Gallatin. There is a tone in this letter which I regretted to see. I shall reply to it and I will transmit for your sanction the answer. I think he manifests too great a desire to conclude a treaty, on all points, without sufficient regard to the extent of the concessions he would make. I shall treat him, notwithstanding, kindly and respectfully. As to the St. Lawrence his views, you know, are in accordance with my own; and if the minimum proposed in the second article which I, at first, drafted had been approved, it would have corresponded with his opinions. He thinks, as I did, that, if we cannot get all that we demand, on that subject, we should not decline a treaty stipulation for the practical benefit, provided there be no surrender, tacit or expressed, of the right to the navigation of the river.
I hope to be able to leave here in less than a fortnight. I have not yet derived all the benefit I anticipated from my journey to my health; but I still indulge the hope that, on my return, under circumstances more auspicious to its recovery, I shall succeed in the re-establishment of it. My reception has been attended by the strongest manifestations of attachment and confidence, on the part of the people. A large portion of my time is taken up in correspondencies \[sic\] respecting public dinners, barbecues \[sic\], balls &c. I have declined most of these demonstrations of good feeling; one or two I could not avoid. The expectation I had of the state of public opinion in Kentucky is fully realized by personal observation. The success of some of the Relief leaders to identify their cause with that of Genl. Jackson has been very limited & partial. In the testimonies which have been rendered to me both parties have united, and generally with equal warmth. I believe the other portions of the West to be quite as well disposed towards your administration as we imagined prior to my departure from the City for Kentucky. Gurley\(^6\) is re-elected. Cook will be and the prospect of Scott is much better than I feared.\(^7\) In Brent's district, either he or another friend will be chosen.\(^8\) Frank Johnson and Buckner and Trimble are all safe,\(^9\) and they are the only Kentucky members who were supposed to be in any danger from their late vote. Whatever changes may take place in Ohio, the administration is secure in an equal vote, in the next Congress to that which it has in this, from that State, with a strong probability of augmented members.\(^10\)

My present intention is to go by the route of Kanawha, and the Virginia Springs,\(^11\) intending to halt a week or two at the latter if necessary to my health. It may therefore be the last of August or the first week in September before I reach the city. I am, with great respect, faithfully Your ob. Servant

H. CLAY

Mr. Adams.

ALS. MHi-Adams Papers, Letters Received (MR476). Adams was then at home in Quincy, Massachusetts. He had left Washington on July 9.

1 Cf. above, Brent to Clay, July 12, 1826, note.
2 Above, July 5, 1826.
3 Above, June 29, 1826.
4 See below, Clay to Gallatin, August 8, 1826.
5 See above, Clay to Gallatin, June 19, 1826, note.
6 Henry H. Gurley, in Louisiana.
7 Both Daniel P. Cook, in Illinois, and John Scott, in Missouri, were defeated in the congressional elections.
8 William L. Brent was re-elected in Louisiana.
9 Richard A. Buckner was re-elected; Francis Johnson and David Trimble were not. Cf. below, Crittenden to Clay, November 25, 1826.
10 All but two, James Findlay and William Russell, of the Ohio delegation elected to the Twentieth Congress, were Adams supporters. Russell replaced another Jacksonite, John Wilson Campbell, and Findlay was re-elected. John Thompson, a third Jacksonite in the previous delegation, was replaced by William Creighton, Jr., an Adams supporter. Russell, born in Ireland and brought to West Union, Ohio, as a
child, had been a member of the Ohio House of Representatives from 1809 to 1813 and of the State Senate from 1819 to 1821. He was a member of Congress from 1827 to 1833 as a Jacksonite and, after removing to Portsmouth, Ohio, was re-elected to the latter body from 1841 to 1843 as a Whig.

11 Cf. below, Clay to Johnston, August 24, 1826; Clay to Brown, October 8, 1826.

To Burr Harrison and Others

Lexington. 25th July 1826

I have the pleasure to acknowledge the receipt of the letter which you did me the honor to address to me on the 19th., at the instance of my fellow citizens of Bardstown, inviting me to a public dinner, which they are desirous to give in that town; at such time as would be agreeable [sic] to me, as a testimony of the sense they are pleased to entertain of my public services, and of their continued confidence in me.

I feel a high degree of satisfaction with this honourable demonstration of their favorable sentiments, and I am prompted to accept their friendly invitation, both by the pleasure it would afford me to meet them; and some highly esteemed personal friends, and that which I should derive from seeing the only considerable town in our state, that I have never been able to visit. But my wish to return to my public duties, with as little delay as practicable, and the necessary attention which I am bound, in the mean time, to bestow on those of a private nature, oblige me reluctantly to forego the gratification of embracing this occasion to meet my fellow citizens of Bardstown. I pray you to communicate to them my respectful acknowledgements, and the assurance that I shall ever recollect, with peculiar interest, the distinguished and obliging notice they have been pleased to take of me. Allow me also to add, Gentlemen, the tender to you of the highest personal regard and respect of your faithful and Obedt Servt.

H. CLAY.


Copy (the names of the addressees in Clay's hand). DLC-TJC (DNA, M212, R13).

Published in Lexington Kentucky Reporter, August 21, 1826. Cf. above, Doom and others to Clay, July 19, 1826.

Receipted Tax Bill

25h July 1826

1825 Honbl. H. Clay. To the shff Fayette 1
To Tax on $52,400 @ 6¼ Cts pr. $100. 32.75
To Levy on 19 Tithes @ 87½ Cts ea 16.62½
[Endorsement] 2 Recd. payment

$49:37½

Wm. R Morton D.S: F.C
INSTRUCTIONS AND DISPATCHES

July 25, 1826

From Thomas Wynns, Turk's Island. Reports arrival on June 26 of (Clifton) Wharton, who had been shipwrecked, and his departure on July 11 for Cartagena. ALS. DNA, RG59, Cons. Disp., Turk's Island, vol. 1 (M-T446, R1). Received September 21. Wynns, of North Carolina, was consul at Turk's Island from 1817 to 1835.

MISCELLANEOUS LETTERS

July 25, 1826

From James H. McCulloch, Baltimore. Observes that "the seal of the enclosed letter has the appearance of having been broken—& the character of those persons to whom the vessel & cargo belong—is not deemed superior to such an imputation." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by clerk on cover: "Letter of 6 July 1826 from Rob R. Stewart . . ." Stewart's letter had been carried from Cuba on the schooner Elizabeth Jane, E. Tilden, captain, and W. C. Tilden, owner. The Tildens, of Baltimore, not further identified.

From Edward Wyer, St. Petersburg, "Private." Comments on Russian affairs (cf. below, Middleton to Clay, July 29, 1826). Notes that Middleton "lives very handsomely" and that "His daughters are two of the most accomplished ladies in this place." Adds that John D. Lewis, brother of William D. Lewis, is here and prosperous. ALS. DNA, RG59, Letters from Bearers of Dispatches. Middleton had four daughters living at this time: Maria, Eleanor, Catherine, and Elizabeth Izard. The latter two, born in 1812 and 1815, were probably not yet socially prominent. Maria, born in 1802, was married in 1834 to Edward Jenkins Pringle, a lawyer of Charleston, South Carolina. Eleanor, born in 1804, died later in 1826. John D. Lewis had become a commission merchant in Russia during the War of 1812.

From James Brown

Paris July 26. 1826

We returned last evening from Aix where we spent twenty days with very manifest advantage to my health. Whilst there we received your letter requesting Mrs. Brown to make some small purchases for you. She has already commenced her enquiries and hopes to complete your order and send you the articles by the Packet which will sail on the 15th of August.

I am pleased at hearing that your health is as good at the close as it was at the commencement of the Session. The labors you had to perform and the disagreeable Character assumed by a portion of the opposition were enough to try the strength and patience of one in robust health and I seriously apprehended their effect on your delicate constitution. It is to be hoped that the journey and your
exemption from Care for a couple of months will furnish you with a sufficient supply of strength and spirits to withstand the fatigues and bear up under the angry attacks to which you will I fear be exposed until the next Presidential election. In the present condition of things public life can offer but few attractions. Public servants are badly paid and often cruelly calumniated. It is difficult in any situation to give general satisfaction, and sometimes those who are the most anxious to please are the objects of the greatest censure. I fear Gallatin will repent his visit to London. His salary and private fortune are too limited to admit of his entertaining the great number of genteel Americans who visit that city. It is however fortunate for him that his Predecessors have not given any pernicious examples or inspired any extravagant expectations on that score, and that in England few of the Ministers give public entertainments. The choice reflects honor on Mr Adams, and ought to give general satisfaction.

The only occurrences [sic] of moment here are the repression of the Janizaries by the Sultan, and the constitution given by the Emperor Don Pedro to the Portuguese. The first was a bold measure and will probably succeed. If it does it will perhaps change the character of the Turkish Government and have effects which cannot now be distinctly anticipated. The Constitution of Portugal pleases the English only under whose influence it is believed to have been made; and is particularly offensive to the Spaniards who are apprehensive that the example of a Representative Government so near them may excite the people again to revolt and revolution. It is generally believed that every diplomatic effort will be made by the Continental sovereigns to prevent its acceptance.

I have seen Mr Cooper who bears a Commission as Consul at Lyons. As we have never had a consular office in that City which is as you know an inland position I have resolved before I write for Mr Cooper’s exaquatur [sic] to have some conversation with Baron de Damas on the subject. It is probable that I may place it on the ground of the necessity of having some one at Lyons where our Merchants make their extensive purchases of silks, to certify the Invoices without requiring this to be done at Paris Marseilles or Havre.

I shall write you more fully on the 15. and am Dear Sir Your Most obdt Servant

JAMES BROWN

Honb. Henry Clay. Secretary of State

ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay: "... {Acknowledged}.

1 Not found. 2 Albert Gallatin.

3 See above, Moore to Clay, June 20, 1826. 4 See above, Ragnet to Clay, May 6, 1826, note.

5 James Fenimore Cooper.
INSTRUCTIONS AND DISPATCHES

July 26, 1826

From Heman Allen, Valparaíso, no. 37. Transmits copies of correspondence with the Minister of Foreign Affairs (Ventura Blanco Encalada), who has insisted that Allen appoint an agent to represent him "in the case of the Macedonian, in the tribunals of Chile," and whom Allen has tried to convince "of the absurdity of such a measure..." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received October 25.

From John M. MacPherson, Cartagena. Reports the death (on July 24) and burial of Richard C. Anderson (Jr.); notes also the death of his own nephew (William) Berrien; acknowledges receipt of Clay's letter of June 20; adds that Robert Anderson, who "has in charge his brothers [sic] papers and effects," and (Clifton) Wharton will sail for the United States "in about ten days." US. DNA, RG59, Cons. Disp., Cartagena, vol. 1 (M-T192, R1). Copy, in MHi-Adams Papers, Letters Received (MR476). Received August 26.

From William Tudor, Lima, no. 45. "Confidential." Notes that, according to (Alfred) Cobb, commerce at Arica has declined as a result of "the excessive valuation of merchandise" at that port. Refers to his recommendation of Cobb (above, February 23, 1826), who has since stated his unwillingness to accept an appointment. Reports an outrage, committed at Callao against "the ship Herald, ... of Gloucester," for which satisfactory restitution has been made. Discusses the political implications of a "partial revolt" in the interior and points out that "The force at the disposal of Gen. Bolivar to hold a country thus circumstanced, & prosecute his ulterior views is not very large." Asserts that Bolivar's "scheme of empire ... avowedly embraces Colombia, & secretly involves the whole of South America at least that was [sic] formerly Spanish." Cites the confusing state of the finances of the country, and Bolivar's "intention at present to return to Colombia..." Adds that a French vessel "sails for France this week taking those youths of Lima to be educated there at the expense of government" (cf. above, Tudor to Clay, February 28, 1826). Repeats his request that some one be appointed to replace him as consul. ALS. DNA, RG59, Cons.Disp., Lima, vol. 1 (M154, R1). Endorsed by Clay: "To be submitted to the President." Extract published in Manning (arr.), Diplomatic Correspondence... Latin-American Nations, III, 1800-1802.

MISCELLANEOUS LETTERS

July 26, 1826

From David Dickson, Port Gibson, Mississippi. Cites the "very unpleasant situation" occasioned by his failure to receive the commission and instructions following his letter of June 2, which was countermanded by his note of June 5 (i.e., 3). He has closed his business and sent his family "to the Interior of the State," where he will join them "on the Pearl River" unless he receives an answer to his second letter within a few days. ALS. DNA, RG59, Cons. Disp., Texas, vol. 1 (M-T153, R1). Received September 3, 1826. Cf. above, Clay to Dickson, June 20, 1826.

APPLICATIONS, RECOMMENDATIONS

July 26, 1826

From THOMAS L. L. BRENT, Lisbon, no. 26. Acknowledges receipt of Clay's "despatch No. 4, dated 12th. June"; encloses a copy of the note by which he "represented to this government the conduct of the Portuguese Commandant at the Isle of Mayo towards Captain William Prince of the Brig Romp." ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6).

From CLIFTON WHARTON, Cartagena. Reports the death of (Richard C.) Anderson (Jr.); states his intention to "return to the United States in company with Lieutent. Robert Anderson"; cites "Late papers . . . from Panama" announcing "the assembling of the Congress at that place," with "Delegates from four different Governments . . . in attendance"; adds that "General [Jose Antonio] Paez continues to exercise authority . . . in Venezuela, where General [Simón] Bolivar is now daily expected to arrive." ALS. DNA, RG59, Letters from Bearers of Despatches. The states represented at the Panama Congress were Colombia, Mexico, Peru, and the Federation of Central America.

APPLICATIONS, RECOMMENDATIONS

John Napier, New York, cites the wish of his "correspondents Messrs. Carl and Gustav Haskort of Leipzig" that an American consulate be established in their city and their desire that the appointment go to a member of their own firm. Testifies to their respectability as merchants. ALS. DNA, RG59, A. and R. (MR2). Napier and the Haskorts, not further identified. Cf. above, Clay to Goehring, June 20, 1826.

From Hyde de Neuville

Dear Sir

Le Jeune Eugène Conger de New York retourne aux états unis il me demande une lettre d’introduction auprès de vous et c’est avec empressment que je saisis cette occasion de me rappeler à votre Souvenir.

permettez moi de recommander d’une manière très particulière à votre bienveillance, ce bon et estimable Jeune homme. il Pouvait être avantageusement placé en Europe, mais il veut Servir Son Pays et il ose espérer que Par vous il Pourra accomplir ce dessein. Veuillez vous le mettre à même d’être utile à son Patrie, il desire entrer dans la diplomatie et réellement il y eut propre par la Sagesse de Son jugement, la douceur de ses maniers, sa reserve, et un amour ardent de Son Pays, notre vieille Europe n’a Pas le séduire, il veut, et il a raison, vivre et mourir Américain.

l’attachment que j’ai Pour vous l’intéret que je ne cesse de prendre à tout ce qui vous regarde m’autorise à vous dire qu’il me sera doux de vous devoir de la reconnaissance or vous me rendrez un Service réel en obligeant le fils de l’un de mes plus honorables amis.

je ne vous Parlerai point politique, je vois que vous marchez
avec beaucoup de prudence et je vous en félicite— vous ne reconnaissez Pas St. dominique. et vous faites bien— je n'aime point l'esclavage je voudrais que tous vos noirs puissent être libres, mais je Sais que vous ne pourriez Sans danger Passer du Knout aux droits de l'homme. votre conduite est donc Sage et prudente. je vous laisse à juger de la notre.— J'espère au moins que vous trouverez que je ne varie point j'ai défendu la légitimité en 1815 contre des factieux Je défends en 1826 la charte contre des fous.— vous voyez que ce n'est Pas Sans raison que j'ai cru, toujours cru, qu'on Pouvait unir l'amour du Prince, à l'amour des libertés de Son Pays, croyez moi, S'il est bien, d'être republican à Washington il n'y a de raisonnable en Europe que le royaliste, ami de la liberté. Veuillez nous rappeler Madame de Neuville et moi à Mde. Clay et à toutes les Personnes qui nous gardent un bienveillant Souvenir et agréer l'assurance de ma haute considération et de mes Sentimens dévoués

HYDE DE NEUVILLE

Membre de la chambre des député

je vous envoie quelques opinions extraites du Moniteur comme Je n'écris Pas mes discours j'ai besoin d'un Peu d'indulgence—

ALS. DLC-HC (DNA, M212, R2). Received September 14. Endorsed by Clay: "... {Answered 10 Oct. 1826}.” Answer not found.

1 Not further identified; he received no Federal appointment.
2 Cf. above, Clay to Anderson and Sergeant, May 8, 1826.
3 Cf. above, Brown to Clay, March 19, 30, 1826.

INSTRUCTIONS AND DISPATCHES

July 28, 1826

From SAMUEL LARNED, Santiago de Chile. Transmits a “volume containing the 'Exposition of Don José de la Riva-Agüero, relative to his political conduct during the period in which he exercised the Presidential functions of the Peruvian Republick':—which may serve to throw some light on the revolutionary history of that country.” ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Riva-Agüero, born in Lima and trained in the Spanish military service, had become identified with the revolutionary movement as early as 1808, in Buenos Aires. He had joined the Peruvian uprising in 1813 and had been elected the first Prefect of the Republic, in 1821, and President, in 1823. Associated with the liberation movement of San Martín, Riva-Agüero had been viewed suspiciously by Bolivar, who had accused him in 1824 of negotiating with the Spanish at Callao. Riva-Agüero had been deposed and driven into exile, in Europe, where he wrote and published pamphlets attacking the “Liberator.” His sentence was revoked in 1831; he was elected a deputy to the Peruvian Congress in 1834; but he did not again become active in politics. The Exposición... acerca de su conducta política en el tiempo que ejerció la presidencia de la república del Perú had been published at London in 1824.

MISCELLANEOUS LETTERS

July 28, 1826

From JOSEPH C. MORGAN, Philadelphia. Refers to the letter, of December 31 (1825), from the State Department (see above, Morgan to Clay, December
26, 1825, note); and, if no report has been received from Hughes, urges “again the necessity of a speedy & just termination.” ALS. DNA, RG76, Misc. Claims, Netherlands.

APPLICATIONS, RECOMMENDATIONS July 28, 1826

Abraham Hagaman, Botetourt Springs, Virginia, introduces himself as a graduate of Princeton College (1825), now “employed in teaching a classical school”; solicits appointment as a clerk. ALS. DNA, RG59, A. and R. (MR2). Hagaman, not further identified, received no appointment.

Power of Attorney to Mark Hardin [July 29, 1826]

[Clay, as executor of the James Morrison estate, holding with Mark Hardin a claim to 1000 acres of land in Livingston County, Kentucky, authorizes Hardin to sell the land.]

ADS by Robert Scott, for Clay. DLC-TJC (DNA, M212, R16). Endorsed by Hardin (ES in Scott’s hand), acknowledging receipt of documents pertaining to the land.

To F[rancis] McLear and Others

Gentlemen Lexington 29h. July 1826

It was my wish and intention to attend at the dinner at Mr. Connett’s, this day, to which, in behalf of the managers you did me the favor to invite me,¹ but the unexpected occurrence of some business, and a slight indisposition, which disables me from enjoying or contributing to the pleasures of a large company, will not allow me to meet that portion of my fellow Citizens who may there assemble. Wishing that they may pass the day with much glee and conviviality, and with assurances of my personal regard and esteem to you, gentlemen, individually I am truly Your obedient Servant

Mess. F. McLear
J. O Harrison
H. I. Bodley.
J. C. Woodson.
J. C. Rodes
I. T. Cavins²

H. Clay

ALS. DLC-James O. Harrison Papers (DNA, M212, R21). McLear, born in Ireland, had served in the War of 1812 and in 1814 had removed from Philadelphia to Lexington. He was a grocer and liquor dealer.

¹ Earlier in the month, W. C. Connett had advertised plans for “a Barbecue and Dance, on Saturday the 29th inst. . . .” Lexington Kentucky Reporter, July 10, 1826. The invitation to Clay has not been found.

² James O. Harrison, who had been graduated from Transylvania University in 1822 and had received a degree in law from that institution in 1824, practiced his profession in Lexington for over fifty years, with brief exceptions from 1835 to 1840, when he practiced in Vicksburg, Mississippi, and during the Civil War, when he resided
variously at New Orleans, Louisiana, and Richmond, Virginia. In 1870 he became professor of law at the new Kentucky University. He was married to Clay's granddaughter, Margaretta Pindell Ross, in 1890 and was to become Clay's executor after the latter's death.

Harry Innes Bodley, oldest son of Thomas Bodley, succeeded his father as clerk of Fayette Circuit Court. Woodson, not further identified, was a son of Samuel H. Woodson. Ignatius T. Cavins was at this time a Lexington printer; in 1829 he became one of the editors of the Louisville Focus.

From Joseph Bellinger

Dear Sir,

Charleston, July 29, 1826.

From my former acquaintance with you when at Washington, I take the liberty of communicating my ideas as relates to the State of parties here, as well as the course that should be pursued by the administration. I am the more emboldened in doing this because I have been and am still a warm admirer of your character, whether I consider you as the independent Statesman, the real Republican, or the honest Citizen, and had my wishes been accomplished, you would, now, have been the chief Magistrate of this Union— I certainly would have preferred Mr. Crawford as a second choice— As to Genl. Jackson, never since the termination of his Seminole campaign, have I ever considered him as calculated for even ordinary civil stations, much less the high office of President. With respect to Mr. Adams, I candidly confess, that I have not been partial to him; nevertheless, when I perceive a large party of interested and selfish persons marshalled against him, to effect their purposes; and grossly calumniate not only him, but all those who approve of him or his administration; I could not hesitate, and did promptly give him my support— An accordance of opinion with many others, has produced the late administration meeting, which you have, no doubt, before this, seen in the papers; the result has exceeded my most sanguine expectations, as there is no doubt of our having greatly outnumbered the late Jackson meeting; and I think they will not venture to draw comparisons on the score of respectability— Indeed, I consider this a great triumph, particularly when it is considered that the Jackson party are numerous and active, and had the entire support of the old federal party, headed by old Genl. Thos. Pinckney; and it is further said, and believed, that every civil officer of the General Government here, co-operated with them; certain it is that not one of them attended our meeting— This shews, I think, beyond all doubt, that a proper support on the part of the administration, would most certainly put down the whole party here, and at the same time prove a rallying point to the timid and wavering in the various parts of the State— Now it remains for the Government to determine whether they will continue in office their enemies, aided by all their con-
nexions, which, of itself, forms a considerable party; or remove [sic] their friends; and at the same time render them doubly active in their behalf— I do not doubt, but, that, Mr Adams’ administration will, in the general, be correct; and as such I shall certainly give him my Support, whether he accords with me in the views I have taken, or not; but I cannot say the same of a number of respectable persons who greatly contributed to bring about the late Republican meeting, as they do attribute, and I do think justly, all the evils that have befallen the Republican party to the appointments made by Mr. Munro— They say what has the present administration done for the Republicans? Nothing— Then why should they feel any anxiety for their fate— They have thus far acted gratuitously, it is now for the Government to do their part— I must repeat, that, at a time like this, I think the administration are bound to adopt bold and energetic measures, or I fear they will fail— Should the Government determine to reward their friends instead of their enemies, who may be justly considered the factions, I, in that case, would recommend to the President’s consideration the propriety of appointing as collector of this port Thos. Hunt, Esqr, who is the brother in law of our late respected Senator Mr. Jno. Gaillard— Should your sentiments not accord with the View I have taken, I trust you will attribute it to the proper motive, as I assure you that neither myself, my relations, or connexions want any office in the gift of the Government. I candidly submit the foregoing observations to your friendly consideration; and have the honour to be, with great respect your obedient Servant

JOSEPH BELLINGER

Copy. MHi-Adams Papers, Letters Received (MR477). Bellinger had been a Congressman from South Carolina, 1817-1819.

1 William H. Crawford.

2 See above, II, 612n-13n.

3 A meeting of the friends of Andrew Jackson had opened in the City Hall at Charleston on July 15; but, when word of the death of John Adams (see above, Brent to Clay, July 12, 1826, note) had been received, the meeting had been adjourned to July 19. Upon resumption of the session on the latter date resolutions had been adopted approving Jackson’s candidacy for the Presidency. The friends of the administration had thereupon held a “counter meeting” on July 27 and passed resolutions citing Adams’ record of public service as entitling him to respect and confidence, approving the promptitude by which the House of Representatives had resolved the election, rejecting the proposed amendment of the Constitution in relation to election procedure (cf. above, Hammond to Clay, November 1, 1825, note), and explaining their view that duty required this vindication of the charges leveled at the administration. Washington Daily National Intelligencer, July 26, 28, 1826; Washington National Journal, August 5, 1826.

4 Charleston, South Carolina, lawyer, educated in England. He had been an officer in the Revolutionary War, Governor of South Carolina (1787-1789), United States Minister to Great Britain (1792-1795), Envoy Extraordinary to Spain and negotiator of the Treaty of San Lorenzo (Pinckney’s Treaty, 1795), a Congressman from South Carolina (1797-1801), and major-general in the War of 1812. He was a brother of Charles Cotesworth Pinckney.

5 James Monroe.

6 Hunt, a lawyer, had married Louisa Gaillard in 1805. He did not receive the recommended appointment.
INSTRUCTIONS AND DISPATCHES

July 29, 1826

From Heman Allen, Valparaiso, no. 38. Notes that he had hoped that his reply to (Michael) Hogan, “in the cases of the Clifton and Savage,” had ended “correspondence on those subjects”; encloses an additional exchange of notes with Hogan. ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received October 25. Cf. above, Allen to Clay, June 10, 1826, note.

From Alexander H. Everett, Madrid, no. 44. Transmits papers relating to a loan proposed “in the name of certain foreign Bankers”; reports rumors of a contemplated change of ministry, a general amnesty, and the convening of “the Cortes as they existed under the reign of Philip the 5th”; notes that the British Minister (Frederick J. Lamb) gave notice that his government would “take no active part either for or against the new Constitution of Portugal . . . .” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Philip V, founder of the Bourbon dynasty in Spain, had ruled from 1700 to 1746, excluding the period from January to August, 1724. The Cortes which he instituted in 1724 was the first to include the entire kingdom, excepting Navarre, which had its own legislative body until after the Napoleonic wars.

From Henry Middleton, St. Petersburg, no. 62. Transmits copies “of the ‘Report’ of the Court of Inquiry instituted in consequence of the events of the 14th. December last” (see above, Middleton to Clay, January 2, 7, 1826); adds “that five of the principal conspirators” have been hanged and 113 others “publicly degraded, and . . . sentenced to hard labour & banishment for different terms”; cites, in a paragraph marked “private,” a hope that upon the Emperor’s coronation the sentences will be softened; notes “that the troubles which broke out at the commencement of this reign are to be considered as completely terminated.” ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated 17/29 July 1826.

From John Rainals, Copenhagen. Reports that the King (Frederick VI) has ratified the treaty of commerce. ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received September 19. Cf. above, Rainals to Clay, July 24, 1826.


To John Quincy Adams

My dear Sir

Lexington 30 July 1826

I inclose for your perusal a letter from Mr Senator Reed.1 I am inclined to believe that he is not too sanguine.

Our messenger to Mr. Anderson has been unfortunate,2 and I wish my fears in regard to our minister may not be realized: They have been increased by the prevalence of the Black Vomit at Carthagena.3

I shall leave here in 8 or 10 days; but as my health did not derive
the expected benefit from the journey hither, I must endeavor, on my return, by a short halt at the Virginia Springs to establish it.

With high respect I am Your faithful & ob. Servt

H Clay

Mr. J. Q. Adams &c. &c. &c.

ALS. MH: Adams Papers, Letters Received (MR476).

1 Thomas B. Reed. The letter has not been found. Cf. below, Clay to Hammond, August 2, 1826, note.

2 See above, Wharton to Clay, June 29, 1826.

3 See above, MacPherson to Clay, June 17, July 26, 1826.

INSTRUCTIONS AND DISPATCHES

July 30, 1826

From Henry Middleton, St. Petersburg, no. 63. Acknowledges receipt of Clay’s “despatch No. 3” (April 21, 1826). Reports that he “lost no time in opening to the Secretary of State [Count Nesselrode] the subjects” alluded to by Clay; that Nesselrode informed him that “the proposition” made by the United States “had been forwarded without loss of time to the Cabinet of Madrid” and, later, instructions were sent to the Russian Minister there (Pierre d’Oubril) to insist on a decision, but no answer has been forthcoming; that he sent the Secretary of State an extract from Clay’s “despatch containing the proposition of the armistice to be offered at Madrid by Mr. [Alexander H.] Everett at the instance of the Colombian Government” and has received assurances that the matter will be taken up with the Emperor. Notes, in a section marked “Private,” a remark by the Count (Nesselrode) “that a kind of stupor prevailed in the Cabinet of Madrid, which prevented their corresponding even with their own Ministers abroad.” Expresses, in regard to the proposed armistice, “great expectation that she [Spain] will be strongly urged to accede to it.” Encloses a note received in response to his reminder to the Count “of the indemnity due in the case of the Brig ‘Pearl’” and states that he “immediately informed the Agent” of Bryant and Sturgis that the money “was ready to be paid.” Notes that he will “be obliged . . . to attend at Moscow to see the Coronation of the Emperor & Empress.” Adds “that Baron [Paul de] Krudener, who has been for some time Minister to Switzerland, is appointed to the United States.”


Nicholas I had married Princess Louisa Charlotte of Prussia in 1817. She was known in Russia as Alexandra Föödorovna. The coronation took place on September 3, 1826.

Paul de Krudener, who did not arrive in the United States until December, 1827, had previously served in the Russian Embassy at Paris (1807-1812) and, since 1816, in Switzerland. He remained Minister to the United States until 1836.

From John Rainals, Copenhagen. States that the grain crop of Denmark is smaller than usual. ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received October 14.

MISCELLANEOUS LETTERS

July 30, 1826

From Samuel Akerly, New York. Encloses six pamphlets, some to be given to the Baron de Mareuil and the others to be distributed by Clay, notes that
the pamphlets contain material published since he answered (above, May 13, 1826) Clay's letter of May 2. ALS. DNA, RG59, Accounting Records, Misc. Letters. Akerly signs as "Secy N Y Instn for the D & Dumb."

Receipt to Robert J. Breckinridge

[July 31, 1826]

Lexington 31st July 1826 recd. of Robert J. Breckenridge [sic] Esqr., Agt. and Atty in fact for Genl. Francis Preston, his Bill of Exchange of this date at 90 dfl in my favor on said Preston for Six hundred and seventy six 12/100 dollars, being in full of said Prestons responsibility for a Note asdd. by him to the late Colo. James Morrison on Thos. R. West,¹ for $455. due 8th. Jany. 1820, said West having been prosecuted to insolvency.

H. Clay only acting Exor of James Morrison deced

DS. DLC-Breckinridge Family Papers (DNA, M212, R20). ¹ Not identified.

To Francis Preston

Dr. Sir,

Lexington 31 July 1826

Mr. Breckenridge¹ has this day drawn upon you for the sum of 676$12 at 90 days, that being the Amt of principal, interest and costs, on a Note of Thos. R. West for 455$ assigned by you to the late Colo. Morrison and by him to Mr. Holderman.² Upon a careful examination of the proceedings adopted by Mr. Holderman to recover the amount of the debt from West (who proved entirely unable to pay it) I was satisfied of the responsibility of Colo. Morrison’s estate, and under that conviction I paid the debt interest and charges to Holderman. My responsibility, [as] Colo. Ms. Executor fixes yours in the claim of liabilities by which we stand connected. Mr. Breckenridge has examined the papers with me and concurring in opinion that you are liable, both on your covenant and on your assignment of the Note, he has drawn the above bill

I enclose you the first number of the Bill, and I shall be ob[liged] to you, to transmit me a check for the amount on any of the Richmond Banks or on the B of the U S, or either of its branches under cover addressed to me at the City of Washington, for which place I start in a few days— If that mode of remittance should be inconvenient, be pleased to inform me what other will be more agreeable and practicable— I am Yr obt. Servt. H. CLAY

Genl. Francis Preston

Copy. KylxT. ¹ Robert J. Breckinridge. ² Possibly Jacob Holderman.
From William Lytle

Dear Sir.

In reply to your letter of the 26th. & Mr. Scots [sic] of the 25th. I State, that I cannot go to Lexington being confined here by Ira White an inexorable creditor of mine.

Last fall & Summer I endeavoured [sic] to do Something "effectual" to Settle Mr. Wickliffes claim. The best thing I could do was done which was appropriating a claim that I had upon the Heirs of Nathaniel Gist for a conveyance of a valuable tract of land in this State, Subject to the rights of those who had bought and occupied part of it.

I admit this is not money but it is the best I could or can do. The land is Nathaniel Gists survey No 7747 of 847½ Acres a mile or two north of Dunhamstown [sic] or Bethel, in Clermont County Ohio, & adjoining John Breckenridges survey No 2373 of 4000 Acres, on which said Town stands. The legal title I procured last fall & winter to be conveyed to John Rowan Esqr. in whom it is still vested.

On the spot the lands is [sic] thus Situated: There was about 1600 acres (mostly occupied by persons claiming it as in Breckenridges Survey), on which I located in the first place of my Own warrants something over 1000 acres, (the Gist warrant being part) Genl. James Taylor then furnished 250 and 444 Acres of warrants with which I located the residue for Our joint benefit.

In 1816 Genl. Taylor & myself Submitted the dispute between Our claim & the claim of the Occupiers Obed & John Dunham, to arbitrators [sic]— They decided in Our favor and awarded that we should convey O. & J. Dunham 1084 Acres Out of the whole tract & receive from them a deed for 430 Acres in this County (executed and delivered) & also pay $900 in three years with interest from 18 June 1816 being now about 1450$ to be paid, no part of which is yet paid, ½ being mine, I appropriated it to pay Mr. Wickliffes Judgment— the notes are now in the hands of Revd. Geo. C. Light of Kentucky—formerly of Ohio. The title of land is held back to secure payment besides the individual responsibility of the Denhams— Mr. Light Can answer as to thier [sic] ability to pay— Payment has been delayed on account of not procuring the legal title of part of the land from the Gists until lately since which they have not been called on to pay, Mr. Light having the Notes in Kentucky.

I understand however that Thomas Morris esqr. of Clermont by contract with the Dunhams [sic] has agreed to pay the notes as the price of a Mill which is on the premises & that he is litigious & disposed to make difficulty about the payment—
This being the case, I think (if you & Mr. Wickliffe are willing to take them) the notes had better be obtained from Mr. Light & sued in the U. S. Circuit Court for Ohio or that Mr. Wickliffe should accept the conveyance of the legal title of the Gests [sic] Survey from Judge Rowan (subject to the equitable right of the Dunhams &c.) and hold it until they are willing to pay Accounting with me for the overplus.

There is 150 or 200 Acres of the tract unsold which is in an Old Settlement and valuable.

When I appropriated this land & claim to satisfy Mr. Wickliffe:s Judgment & directed the deed from the Gists to Judge Rowan, I also assigned all my right &c to the notes to him. And now I am willing the whole should be turned over to Mr. Wickliffe to secure & pay, his claim in any reasonable way that yourself, Mr. Wickliffe & Judge Rowan Can agree upon, so as not to injure the rights of those to whom I sold part of the land.

I am of Opinion that my part of the Dunhams debt & the residue of the land is sufficient to cover Mr. Wickliffe:s judgment & leave a surplus [sic], if it does not however [sic], I will do any thing in my power to pay the residue.

I have gone into details so as to let you see all the difficulties & Merits of the Case at Once. I am Your Ob. Servt. WM. LYTLE

I open my letter to add that at this time I do not know exactly what I ought to do to close unsettled business between me & Col Morrisons estate— But if you or Mr Scott will propose what I ought or am bound to do or to agree to in regard to the business I will do it if in my power. W. L.

ALS (except for postscript and initials, in a strange hand). DLC-TJC (DNA, M212, R13). Addressed to Clay at Lexington.

1 Neither Clay's nor Robert Scott's letter has been found.
2 Formerly of New Hampshire: now of Cincinnati.
3 On Wickliffe's claim, see above, Complaint, ca. July 5, 1825; Lytle to Clay, August 3, 1825.
4 Obed Denham and his elder brother, the Reverend John, natives of Virginia, had settled as pioneer Kentuckians and removed to Ohio around 1797, to avoid residence in slave territory. Obed had laid out the town of Plainfield, or Denhamtown, renamed in 1802 as Bethel, and sold off town lots. The Denham brothers also, about 1804, had erected the first water-power saw and grist mills in the area. The Reverend John Denham had died shortly thereafter and Obed, in 1817.
5 Born in Westmoreland County, Virginia, settled at Maysville, Kentucky, in 1791, and removed to Clermont County, Ohio, in 1799. Light had become an itinerant Methodist preacher in 1805. In 1821 he had been assigned to the Kentucky Conference and served, variously, at Maysville, Lexington, Louisville, Shelbyville, and Frankfort. In 1834 he was transferred to Missouri; he returned to Louisville in 1841 but again in 1845 was sent back to Missouri. From 1849 to 1859 he was assigned to Mississippi.
6 Born in Pennsylvania, Morris had moved to Ohio in 1795, had studied law, and had begun practice in Bethel in 1804. He had filled several terms in both the State Senate and State House of Representatives and was a member of the United States Senate from 1833 to 1839. In 1844 he was the vice-presidential nominee of the Liberty Party.
7 Cf. above, III, 878: Lytle to Clay, May 25, August 3, 1825.
AUGUST 1, 1826

Receipt from J[ohn] C. Richardson, Jr.

of Henry Clay Esqe the Sum of $35. being the amt. of allowance & charges to me of coms. in the case of Dallam vs January &c.1

J. C. Richardson Jr

1 The settlement in the suit of William S. Dallam against Thomas January, noted above, III, 492n, had not covered the basic note and further interest charges (cf. above, III, 296-98n). Clay's suit to collect the remainder had been filed January 11, 1825, but abated on June 22 of that year, the defendant "having departed this life." On April 16, of the March Term, 1825, Dallam had amended the bill to bring action against January's widow, Mary, and Thomas Nelson, the latter of whom had purchased under execution the equity and right of redemption on the remainder of the mortgaged goods, chattels, and slaves. The $6,000 note and a $360 note for interest being yet unpaid, judgment had been rendered that the property be sold at public auction. A year later Dallarn obtained a ruling that Richardson, as commissioner under the court, show cause why he had failed to report on the sale; and on April 15, of the March Term, 1826, the report had been entered. Richardson noted that he had been able to contract for sales yielding only $1305.80 and that the defendants had failed to deliver all the mortgaged property for disposition. Richardson was then awarded compensation for his services and expenses. Fayette Circuit Court, Civil Orders, vol. 3, pp. 374, 399; vol. 4, pp. 254, 380.

INSTRUCTIONS AND DISPATCHES July 31, 1826


APPLICATIONS, RECOMMENDATIONS July 31, 1826

Charles Bartlett Allen, New York, solicits appointment as consul at Pará, Brazil. ALS. DNA, RG59, A. and R. (MR1). See above, Corning to Clay, April 8, 1826, note.

INSTRUCTIONS AND DISPATCHES August 1, 1826

From Heman Allen, Valparaiso, no. 39, "Duplicate." Transmits copies of correspondence showing that there was "little cause" for Michael Hogan's complaint against the (Chilean) government. ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received December 1. Cf. above, Allen to Clay, June 10, 1826, note; July 29, 1826.

From William Tudor, Lima, no. 46, "Confidential." Notes that "the partial revolt" in the interior has been suppressed; reports arrests of numerous prominent persons to circumvent a plot, "very imperfectly known," against Bolívar and the Colombians; and cites examples of Bolivar's vanity and ambition. Commenting upon the scantiness of contact with the United States for the past eight months, pleads for the establishment of "a regular communication thro' the Isthmus." ALS. DNA, RG59, Cons. Disp., Lima, vol. 1
 APPLICATIONS, RECOMMENDATIONS August 1, 1826

W[illiam] CREIGHTON, JR., Chillicothe, recommends appointment of David McDougall, a 13-year old boy now residing in Michigan, as "a Midshipman in the Navy." ALS. DLC-Ewing Family Papers. McDougall rose through the chain of command to direct the South Pacific Squadron from 1870 to 1872 and, in 1873, to attain the rank of rear admiral.

Property Deed to Jabez Beach

[August 2, 1826]

[Henry Clay and Lucretia, his wife, convey to Jabez Beach of Fayette County, in consideration of $1,400, a house and lot on Main Street in Lexington, "adjoining Whitney's Lot on one side and that of the said Jabez Beach on the other," being property conveyed to Clay by Anderson Miller in 1817. Signed by Henry and Lucretia Clay. Recorded in Fayette County clerk's office August 11, 1826.]

Fayette County Court, Deed Book 2, pp. 59-60. Beach had opened his own coach-making establishment in Lexington in 1818. He also advertised hacks, coaches, and horses for hire.

To Charles Hammond


This letter will find you, I presume, returned from Columbus. I am glad to learn that Judge Trimble gives satisfaction, which I was sure would be the case. He is a plain, affable, and at the same time intelligent and well informed person.

I have been at home about four weeks and purpose setting out on my return next week. My visit has been altogether very gratifying. There is no abatement of the ardor or the number of my friends in this quarter, and I entertain confidently the opinion that Kentucky will act in concert with your State in respect to the administration and National politics. Gurley is reelected (and rumor says Brent also) in Louisiana. Senator Reed writes me in great confidence of his success and that upon the ground of supporting the administration. My confidence has not been strong of Scott's success, but a letter which I have just received from Judge Todd of Franklin, expresses the opinion that he will be reelected. Present appearances, upon the whole, authorize the belief 1st. that
all the Western States, whose delegations voted for Mr. Adams, will support his administration and concur in his re-election and 2dly that Mississippi will probably be added to the number. We hear from Nashville that they cannot conceal their mortification at the election of Gurley &c.

I transmit you in confidence a Copy of a letter from Genl. Jessup upon a delicate subject, not for the purpose of giving to it any publicity, but to satisfy you that Mr. R. waived his privilege, if indeed it exempted him from that species of responsibility to which I considered him liable. If the Genl. had consented to bear his answer, what probably would have been its purport?

I have not heard from you for a long time. I remain Cordially & faithfully Your friend

H. CLAY

C. Hammond Esq. [Marginal note]

P.S. To improve my health, which is not good, I intend to go by the Kanawha route for the purpose of halting at the Virginia Springs a short time.

ALS. InU. Cf. above, Clay to Adams, July 25, 1826.

1 Robert Trimble.
2 Henry H. Gurley; William L. Brent.
3 Cf. above, Clay to Adams, July 30, 1826, note. Thomas B. Reed's record as a supporter of the administration was equivocal. He had belatedly endorsed Jackson during the presidential campaign of 1824. Again, during the summer of 1826, he had denied that he was an opponent of Jackson and "In several speeches... challenged anyone to prove that he had opposed Jackson's pretensions to the Presidency." Edwin Arthur Miles, Jacksonian Democracy in Mississippi (The James Sprunt Studies in History and Political Science, XLIII; Chapel Hill, 1960), 10-11; Adams, Memoirs, VII. 208.
4 David Todd. The letter has not been found.
5 Above, Jesup to Clay, June 24, 1826.

To Josiah S. Johnston

Lexington 2d, August 1826.

My dear Sir

My visit home has been altogether highly gratifying. Far from any abatement, there is an increase in the ardor and number of my friends, who have given me the strongest testimonies of their attachment. From Missouri I learn that Scott's prospect of re-election is promising. Cook's is unattended with any doubt. Senator Reed writes me from Mississippi in great confidence of his re-election upon the distinct ground of supporting the Administration. In Ohio and Indiana things could not look better. I think we may assume 1st. that all the Western States, whose delegations voted for Mr. Adams, will continue to support him; and 2dly. that Mississippi will probably be added to their number. You will have heard of Gurley's re-election, and rumor says Brent has also succeeded.

I shall set out on the 11th. for Washington via Kanawha. I go
that route to take advantage of the Virginia Springs to improve my health; which just begins to feel the benefit of my absence from my office. Mrs. Clay will probably go through Ohio to see James, and we shall meet at Washington, where we are very anxious again to join our friends. I may halt a few days at the White Sulphur Springs and therefore shall not reach Washington probably until early in September.

You will have seen the tragical end of Beauchamp and his unfortunate wife. We live in an age of romance. Ask Mrs. Johnston if the story might not be wrought up into a fine popular tragedy—one similar to Geo. Barnwell?

Mrs. Clay joins me in the communication of cordial regards to Mrs. J. and I add assurances of my sincere friendship to yourself. The Honble J. S. Johnston

H Clay

ALS. PHI. Cf. above, Clay to Adams, July 25, 30, 1826; Clay to Hammond, August 2, 1826.

1 Cf. below, Clay to Adams, August 12, 1826.
2 Cf. above, Clay to Brown, March 22, 1826; below, Clay to Chase, September 26, 1826.
3 See above, Clay to Crittenden, July 10, 1826, and note.
4 George Lillo, English dramatist, had produced in 1731 a play, The London Merchant or the History of George Barnwell, based upon an old ballad. The play, current throughout the next century, recounted the story of a young apprentice, who became infatuated with a courtesan and, to retain her favor, embezzled his employer's money and murdered his uncle. Both the woman and her lover were finally hanged.

Mortgage Deed from Jabez and Ann M. Beach

[August 2, 1826]

[Jabez Beach and Ann M., his wife, convey to Clay two lots with houses thereon as security for his bond for $1,000 and interest, dated August 2, 1826, and payable in three equal annual installments. The property thus encumbered comprises a parcel bought by Beach from Clay on this date and an adjoining parcel already owned by Beach. Signed by Jabez and Ann M. Beach. Recorded in Fayette County clerk's office August 11, 1826.]

Fayette County Court, Deed Book 2, p. 61.

INSTRUCTIONS AND DISPATCHES August 2, 1826

From Thomas L. L. Brent, Lisbon, no. 27. Reports nonattendance, at court functions, by members of the diplomatic corps opposed to the constitution (cf. above, Raguet to Clay, May 6, 1826); encloses, among other documents, a note addressed by the Princess Regent (Isabel Maria) to her brother, Miguel, approving the constitutional arrangement of Pedro; explains that Miguel's reply, not yet received, will probably have great political impact; expresses a belief that the power of the anticonstitutionalists should not be underestimated;
encloses a document indicating that his protest respecting the conduct of the military commandant at the Isle of Mayo (see above, Brent to Clay, July 27, 1826) has been sent to the Minister of Marine (Joaquim José Monteiro Torres) for a report. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R-T6). Monteiro Torres, who had held office as Portuguese Minister of Marine several times, had assumed the duties most recently the previous March.

From John M. Foster, La Guaira. Reports the arrival in Caracas of General (José A.) Páez, who has suspended all government orders at the customhouse; notes that local merchants are in distress as importers hold large amounts of government paper and that money is leaving the country. Cites the presence of a British frigate off the coast and requests a United States warship for protection in case of civil war. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1301-1302. Cf. above, Litchfield to Clay, May 22, 1826, note; Rodney to Clay, June 24, 1826, note.

APPLICATIONS, RECOMMENDATIONS

August 2, 1826


From James Hughes and Others

Louisville, August 3.

Dear Sir:—In conformity with resolutions adopted at a meeting of a number of your friends in Louisville and its vicinity, the Committee have the pleasure to solicit your acceptance of an invitation to a Dinner at the Union Hall,1 as a testimony of the high consideration in which they hold your long and efficient public service. We have the honor to be, very respectfully, sir, your ob't servants,

James Hughes, Benj. Lawrence,
J. C. Johnston, N. Berthoud,
John T Gray, Garrett [sic] Duncan.2

The Hon. Henry Clay

Lexington Kentucky Reporter, August 21, 1826, reprinted from the Louisville Gazette.

1 An inn, located at Fifth and Main Streets, opened by John Gwathmey around 1802; called, variously at the same time, the "Union Tavern," "Union Hall," or "Indian Queen."

2 James Chew Johnston, born in Louisville and educated at Princeton and, in medicine, at the University of Pennsylvania, was a prominent physician, also much interested in horticulture. Gray, a native of Virginia who had been brought to Kentucky as an infant, was postmaster of Louisville from 1807 to 1829. William Garnett Duncan, born in Louisville and graduated from Yale in 1821, had been admitted to the bar the following year. He became a member of Congress from 1817 to 1849 and in 1850 moved to New Orleans, where he resumed for several years the practice of law.
From THOMAS L. L. BRENT, Lisbon, no. 28. Reports "an entire change of ministry," in which "Francisco de Almeida Portugal," only thirty years of age and not yet "sufficiently prominent to enable one to pronounce an opinion," became Minister of Foreign Affairs; states that two or three hundred soldiers refused to take the oath (to the new constitution—see above, Raguet to Clay, May 6, 1826) and went to Spain; notes that the British Ambassador (Sir William A'Court) claims that "his government does not meddle with the question of the Constitution" yet his exertions support those of Sir Charles Stuart, who "regulates every movement of the Princess Regent" (Isabel Maria); asserts that, unless instructed otherwise, he will continue to show his interest in the new system of government, as he and the Dutch Minister (J. de Boreel, not further identified) did recently by conspicuously rising at the theatre the first evening the constitutional hymn was sung, while several diplomats of the Holy Alliance "retreated into a remote Corner. . . ." LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Almeida not further identified. William A'Court had held a series of minor secretarial appointments prior to 1813, when he had been designated Envoy Extraordinary to the Barbary States. He had held similar office at Naples from 1814 to 1822 and at Madrid from 1822 to 1824. He had been named Ambassador to Lisbon in 1824 and remained there until 1828, when he was transferred to St. Petersburg until 1832. His later life was devoted to public administration, as Viceroy of Ireland (1844 to 1846) and Governor of the Isle of Wight (until 1857). He had been awarded the Grand Cross of Bath in 1819 and was named in 1828 Baron Heytesbury, of Heytesbury, Wiltshire.

From JOHN FORBES, Buenos Aires, no. 39. Notes the increasing difficulty of communicating with the outside world; reports that the United States sloop of war Boston, Captain (Beekman Verplanck) Hoffman, "has been at Montevideo more than three weeks"; states that he has been told that the vessel brings dispatches for him but he has not received them; and adds that he has had no communication from Captain Hoffman, who reportedly "has taken some energetic measures in support of the rights of" the American flag relative to the blockade. Cites a belief that "Lord Ponsonby's mediation [cf. above, Forbes to Clay, June 17, 1826] . . . has entirely failed"; observes that his own opinion is, still, that the British wish eventually "this Government" and the Banda Oriental to consent to "an independence, guaranteed by Great Britain, or, in other words, a Colony in Disguise." Encloses a note from "the Minister" (Francisco de la Cruz) with reference to (Matthew L.) Davis' claim (see above, Forbes to Clay, May 12, 1825), "intimating the existence of proofs of the illegitimacy of" that claim, denying the responsibility "of this Government," and "referring the whole affair to the Government of Chili [sic]." LS. DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Published in Espil (comp.), Once Años en Buenos Aires, 439-41; extract in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, I, 656. Hoffman, who had entered the Navy in 1805 and had held rank as master commandant since 1817, was not formally raised to the rank of captain until 1829.

From JOHN WILLIAMS, Guatemala, no. 1. Reports his arrival, on May 2; notes that on May 19 he informed (Juan Francisco de) Sosa, Secretary of Foreign Affairs, of his readiness to exchange ratifications of the treaty between the two governments (above, December 5, 1825) and was told, on the next day, that
the exchange would be made as soon as Congress should ratify the treaty; observes that "It is difficult to account for the unreasonable delay which has taken place"; summarizes the objections voiced in secret sessions of the House of Deputies and states that he has not learned those expressed in the Senate; reports that "The ratifications were exchanged on yesterday—And Mr. [John] Marshall will set out with the treaty for the United States on next Saturday." Comments unfavorably on local jurisprudence, social institutions, and finances. Points to continued Mexican possession of Chiapa and Soconusco (see above, Poinsett to Clay, August 3, 21, 1825; Clay to Anderson and Sergeant, May 8, 1826), British possession of Belize, and further British trespasses. States that "The territorial controversy between Mexico and Guatemala will be settled by the Congress at Panama." Refers to the danger of seizure of power by "restless spirits," who may capitalize on the discontents of the small, unpaid, army. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 28. Sosa remained Foreign Minister until 1829.

British logwood cutters had settled at Belize (British Honduras) as early as 1638. The major irritation with the Federation of Central America in the mid-1820's stemmed from a law, enacted by the latter state in 1823, which emancipated its slaves. The sawyers of Belize feared that the measure would provoke revolt among their own native workmen. Other controversies arose out of trade and boundary disputes. Mario Rodriguez, A Palmerstonian Diplomat in Central America: Frederick Chatfield, Esq. (Tucson, 1964), 58-61.

INSTRUCTIONS AND DISPATCHES August 4, 1826

From John Williams, Guatemala, no. 2. Transmits a copy of the tariff law recently enacted by the (Central American) Congress. Summarizes his remarks to (Juan Francisco de) Sosa, in which he objected to the exclusion "from Central America [of] our manufactures, & particularly the article of coarse cottons," observed that "not much benefit would result . . . from the treaty" (above, December 5, 1825), and intimated that the United States might be forced to retaliate by imposing "an additional duty on Indigo & Cochineal the principal exports of this Country." States that Sosa informed him that the tariff had not gone into operation. Expresses his belief that the operation of the measure will be suspended and that the next Congress will render it less objectionable. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 28.

From John Williams, Guatemala, no. 3. States that, "From what passed between" Clay and himself before he left Washington, he anticipates no objection to his returning home; requests that he be met at Omoa by a naval vessel on December 15; explains that he will "not wish to return to Guatemala." ALS. Ibid. Received October 28.

To James Hughes and Others

LEXINGTON, August 5 [1826].

Gentlemen:—I should have been extremely glad to have been able to accept the invitation which, in conformity with resolutions adopted by my friends in Louisville and its vicinity, you, on the 3d instant, did me the honor to address to me, to a public dinner
in that place, to which I was prompted by the double gratification of meeting them, and of witnessing the progress in the interesting public improvement which is now in a course of execution near Louisville. But my duties, public and private do not admit of my visiting our commercial metropolis this summer. I must return to the former without delay, and employ the few remaining days prior to my departure for Washington, in the adjustment of the latter. In communicating to my friends the regret which I feel in being thus deprived of the pleasure of meeting them, I beg you also to add my respectful acknowledgments of their kind notice of me, and likewise to accept assurances of my personal regard and esteem.

I am, with great respect, your obedient servant,

H. CLAY.

Messrs. James Hughes, &c. &c.

Lexington Kentucky Reporter, August 21, 1826, reprinted from the Louisville Gazette.

1 The Louisville and Portland Canal. Cf. above, Speech, January 17, 1825, note 19.

Receipted Account with John H. Kerr

[August 5, 1826]

A memmorandon [sic] of articles sold off the farm since the 1st. July 1825

12 bushels Meal ............................................. $ 4 " 75 curency [sic]
1 load of Hay ............................................. 4 " 50
2 bushels meal ............................................. 1 "
1 veal calf ................................................. 3 " 50
1 beef Hide ................................................. 3 " 121/2.
1 Do Do ............................................. 3 "
1 Do ................. ..................... 2 " 50
Rec'd. from Mrs. muntell1 for meal 2 "
from Do for Do ...... ...... ...... 1 "
from Do for butter ...... ...... ............... 1 "
from do for meal ...... ...... ............... 1 "
6 lb butter ........ .... .... ............... 1 "
4 Do .... Do ...... ...... ............... " 75
6 Do ... Do .... .... .... ............... 1 "
4 Do ... Do .......... .... .... ............... 1 "
4 Do ... Do .......... .... .... ............... 1 
3 Do .... Do .......... .... .... ............... " 75
4 Do .... Do .......... .... .... ............... 1 "
4 Do .... Do .......... .... .... ............... 1 "
6 Do .... Do .... .... .... ............... 1 " 50
6 Do .... Do .......... .... .... ............... 1 " 50
8 Do .... Do .......... .... .... ............... 2 "
3 Do .... Do .......... .... .... ............... " 75
from Mrs. Hart2 for meal 2 " 50

$43 " 121/2 curency [sic]
A Memorandum of expenses from the 1st. of July, 1825

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>for one lb Salts</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for one lb nails for T. W. Clay</td>
<td>$0.25</td>
</tr>
<tr>
<td>for caster mending</td>
<td>$0.50</td>
</tr>
<tr>
<td>for 125 lb flour [sic] for Miss. [sic] Hall^3</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for wheel mending</td>
<td>$1.00</td>
</tr>
<tr>
<td>for one basket</td>
<td>$0.50</td>
</tr>
<tr>
<td>for one Gross buttons</td>
<td>$0.75</td>
</tr>
<tr>
<td>for 10 Doz spun cotton</td>
<td>$2.50</td>
</tr>
<tr>
<td>for 1/2 side upper leather for negro</td>
<td>$2.00</td>
</tr>
<tr>
<td>for one lb nails</td>
<td>$0.25</td>
</tr>
<tr>
<td>for one Do saltpeter</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for Do Do salts</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for one curry comb</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for leather for negro shoes [sic]</td>
<td>$2.00</td>
</tr>
<tr>
<td>for Tar for farm use</td>
<td>$2.00</td>
</tr>
<tr>
<td>for one bottle caster oil</td>
<td>$1.00</td>
</tr>
<tr>
<td>Paid for T. W. Clay</td>
<td>$0.3712</td>
</tr>
<tr>
<td>Paid Negro for Hld. work</td>
<td>$3.25</td>
</tr>
<tr>
<td>for 2 lb putty</td>
<td>$0.50</td>
</tr>
<tr>
<td>for 30 Doz cotton for the weman [sic]</td>
<td>$7.50</td>
</tr>
<tr>
<td>for 2 lb coprass [sic] for Deying [sic]</td>
<td>$0.3712</td>
</tr>
<tr>
<td>for wheel mending</td>
<td>$2.00</td>
</tr>
<tr>
<td>for one whetstone for mowing</td>
<td>$1.181/4</td>
</tr>
<tr>
<td>for one lb nails to nail Bacon up</td>
<td>$2.25</td>
</tr>
<tr>
<td>for Dave^4 and Toms work</td>
<td>$1.00</td>
</tr>
<tr>
<td>for carding 83 lb wool</td>
<td>$36.681/4</td>
</tr>
<tr>
<td></td>
<td>$8.30</td>
</tr>
<tr>
<td></td>
<td>$44.981/4</td>
</tr>
</tbody>
</table>

$36.681/4

[Endorsement on verso]^5

Recd. 5 Aug. 1826 one dollar and fifty Cents in Specie in full of the within a/C.

JNO. H. KERR

Mr. Kerr. a/c. for sundry little receipts and disbursements at Ashland—H Clay

Settled 5 Aug. 1826.

AD, by Kerr. DLC-TJC (DNA, M212, R10).
^1 Mrs. Augustus Waldemarde Mentelle.
^2 Probably Susannah (Mrs. Thomas) Hart, Sr.
^3 Sarah Hall.
^4 Probably a slave.
^5 The first, ES in Clay's hand: the second, AE by Clay.

INSTRUCTIONS AND DISPATCHES August 5, 1826

From John Williams, Guatemala. Expresses a belief that (John) Marshall, who "has been careless in keeping an account of his expenditures," has spent a larger sum than his records show; submits to Clay "the propriety of making him an additional allowance"; adds, in a postscript, that the United States
SECRETARY OF STATE

consul, (Charles) Savage, "has left Granada in the State Nicaragua [sic] for the U States" without communicating with him. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 28.

MISCELLANEOUS LETTERS

From JAMES H. Keating, Santa Marta. Writes "As Executor to the late firm of Harris E. Fudger & Co."; notes the death, on July 6, of Eyre M. Jeffries, one of the partners in the firm and sometimes "Acting Consul of the United States"; refers to Fudger's murder and expresses a hope that "our Government will enquire into the affair For if not, rest assured {even if the Assassins are secured} they will either be pardoned or be allowed to escape"; adds that his "friends in Philadelphia may apply for the" consulate for him, in which case he begs Clay's "good Offices" in his favor. ALS. DNA, RG59, Misc. Letters (M179, R64). Keating, not further identified, received no appointment. Jeffries not further identified.

From GEORGE Le Champier, Camden, South Carolina. Inquires, "as a freind [sic] to an unfortunate S. Domingo Claimant," concerning the administration of the French law for the payment of Santo Domingo claimants. ALS. Ibid. Cf. above, Brown to Clay, February 13, 1826. Le Champier, not further identified.


APPLICATIONS, RECOMMENDATIONS

J[AMES] G. Birney, Huntsville, Alabama, recommends Byrd Brandon to be district attorney of Northern Alabama. ALS. DNA, RG59, A. and R. (MR1). Copy, in MHi-Adams Papers, Letters Received (MR477). Cf. below, Brandon to Clay, August 7, 1826. Brandon, a native of North Carolina, was not named to the desired office until March, 1830. He held it until 1836.

WILLIAM JAMES SEVER, Santa Marta, Colombia, solicits the consulship at Santa Marta. ALS. DNA, RG59, A. and R. (MR3). A native of Massachusetts and a veteran of the War of 1812, Sever (Seaver) received the requested appointment, by nomination of December 19, approved two days later, and held it until his recall in 1832.

To John J. Crittenden

My Dear Sir:

Lexington 6h. Aug. 1826

I find that it will not be in my power again to visit Frankfort prior to my return to Washington. You have been so much occupied with the interests of your election, I take it for granted, that you have been unable to come up here.¹ I should take my
departure with regret, without meeting you once more. Under the hope that, after the termination of the election, circumstances may admit of your being here, I have, on that and some other accounts, deferred [sic] setting out until Saturday the 12th inst. I do not however desire that you should subject yourself to any inconvenience in order to afford me the gratification I wish.

We have nothing new here. All thoughts seem engrossed in the pending election. With my best wishes for your success I am Cordially Your friend

H. Clay

J. J. Crittenden Esqr.

ALS. DLC-John Jordan Crittenden Papers (DNA, M212, R20).
1 Crittenden, seeking to retain his seat in the State House of Representatives, was defeated.
2 Cf. above, Crittenden to Clay, April 27, 1826.

Account with Richard Pindell and Others

Henry Clay Esqr. [August 6, 1826]

Commencing To Pindell Satterwhite & Ridgely Dr
13th. May 1825 " Vivasect [sic] Shadrick" $0.50
" Med & attend Sylla2 7.00
" Darky & Chd5 4.00
" Tom Extg Dens & Fractured Leg 15.50
& Jonathan Bleeding 0 50
Ending. 
Augst. 6th. 1826 " Med: & Attendance Sons 20.50
" Albino's Child — 50
" No.4 Girl at Caleb Williams' 6.25
" Attending & Dressg Peters5 wounds Dilating at Dift times & Attendance in his last Illness 34.75
" Do William in 2 Attacks of Inflammatory Fever 22.25
" Girl at Mentell's6 1.25
" No Child Pr. Carr7 0.50
$115.50

1 Shadrach.
2 Probably Priscilla.
3 The slave Darkey and child.
4 Negro.
5 Augustus Waldemarde Mentelle.
7 John H. Kerr.

INSTRUCTIONS AND DISPATCHES August 6, 1826

From George W. Slacum, Buenos Aires. States that private business requires him to return to Alexandria (District of Columbia) and that he intends appointing, as acting consul during his absence, Robert Kortright, "Nephew to the late President of the U. States . . ." ALS. DNA, RG59, Cons. Disp., Buenos
James Monroe had married Elizabeth Kortright, of New York.

From Thomas P. Taul

Dear Sir.

Winchester Tennessee 7th. Aug. 1826

After receiving letters from you last fall\(^1\) I went on immediately to Huntsville Ala. and made a Settlement at that place—having remained some months there with flattering prospects of Success—I was called to Kentucky to attend an only Brother in his last illness whom I had the misfortune to lose.\(^2\) I have been detained in Ky, during the summer in closing the unfinished business of myself and Father\(^3\) in that State, I did not leave there untill [sic] after your return from Washington. I reached this place 8 or 10 days since, the residence of my Father, where I have heard with much regret of the death of the lamented Jones\(^4\) late U. S. Attorney for the Northern district of Alabama [Applies for the office left vacant by Jones' death.]

I am with Sentiments of Respect &c Yr Obt. Servt.

Honbl. H. Clay.

Thomas P. Taul

ALS. DNA, RG59, A. and R. (MR4),

\(^1\) Cf. above, Clay to Jones, October 26, 1825.

\(^2\) Algernon Sidney Taul, born in 1804, had remained in Kentucky.

\(^3\) Micah Taul.

\(^4\) Francis Jones, who had died July 31 in Jefferson County, Alabama.

INSTRUCTIONS AND DISPATCHES August 7, 1826

From Heman Allen, Valparaiso, no. 40. Transmits "a printed copy of the constitution of Bolivia, which it is understood, is to be imposed if possible on Peru, Colombia and Chile"; cites "a general impression on this side of the continent, that the author of this instrument, [Simón Bolívar] is endeavouring to get himself proclaimed Emperor of these countries"; notes that (Bernardo) O'Higgins, supposedly "about to embark for Chile" (see above, Allen to Clay, June 29, 1826), has been declared an outlaw by the Congress of that country, which has also "authorized the Executive to place the country in a state of defence." ALS. RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received December 29. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1113.

From J[ohn] J. Appleton. Naples. Acknowledges receipt, "yesterday," of Clay's letter of June 8; states that he will "immediately terminate" his agency in Naples "and proceed to Sweden to assume the new charge" conferred on him by the President. Reports his attempts to impress on Neapolitan officials "the idea that the United States were fixed in the purpose to prosecute their claims to a settlement" and promises to express to "the Chevalier di Medici," in writing, the President's disappointment at the failure of the mission and "his determination to persevere in the prosecution of the claims . . . ." ALS. DNA,
RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6). Received October 20. Published in Senate Docs., 22 Cong., 2 Sess., no. 70, p. 17.

From A[LEXANDER] H. EVERETT, Madrid, no. 45. Notes "less probability of any immediate occurrence," in the nature of political change in Spain, than when he last wrote (cf. above, July 29, 1826): reports that the most active proponent of change is Juan Josè Recacho, Superintendent of Police, who, however, is opposed by the clergy; describes the various social and political groups in the country; asserts that the King (Ferdinand VII) "has no political vice but weakness," which may be turned to advantage "if Recacho succeeds in establishing himself completely in the favour of his Majesty" and is "able to take such advantage of the present crisis in Portugal as to induce the King to grant... a similar Constitution to the one just adopted in that Kingdom" (see above, Raguet to Clay, May 6, 1826). Encloses, among other documents, copies of a statement, written by (Roswell Lyman) Colt's brother (John Colt), of conditions under which ships of war could be built in New York for the Spanish Government and of a proposal (by Robert Montgomery) that the Spanish Government purchase two vessels built in New York for the Greeks and, it is understood, bought for the United States Navy (cf. above, Lafayette to Clay, May 28, 1826, note). Questions the probability of either of these proposals being acted on. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received October 21. Recacho had been an official in Mexico prior to the revolution. John Colt not further identified.

From J[OHN] M. MACPHERSON, Cartagena. Reports that he has succeeded in keeping Captain Pioli's vessel (cf. above, MacPherson to Clay, July 5, 1826) from going to sea and is taking the matter to higher authority; encloses a letter (above, July 29, 1826) from (Beaufort T.) Watts, telling of the murder of (Harris E.) Fudger; notes also the death of (Eyre M.) Jeffries; refers to the removal of the Panama Congress to Mexico (cf. below, Poinsett to Clay, August 20, 1826); states that (Edward J.) Dawkins arrived at Cartagena on August 5 and departed for England the following day; adds that the President of the Panama Congress (Manuel Lorenzo de Vidaurre) has been informed of (Richard C.) Anderson's death; and praises Robert Anderson for his unselfish service during the last illness of his brother. ALS. DNA, RG59, Cons. Disp., Cartagena, vol. 1 (M-T192, R1). Received September 4. Copy, in MHi-Adams Papers, Letters Received (MR477).

Vidaurre, graduated in law from the University of San Marcos, Lima, had been a judge of the Royal court at Cuzco, Peru, from 1810 to 1820 and of the court at Puerto Príncipe (Camagüey), Caba, in 1820. Because of his growing adherence to the cause of Latin American independence, he was forced to flee to the United States from 1822 to 1824. He was named in 1824 the first president of the superior court at Trujillo and from 1825 to 1839 president of the Peruvian supreme court. He also served several times as Minister of Foreign Relations.

APPLICATIONS, RECOMMENDATIONS August 7, 1826

To Albert Gallatin

To Albert Gallatin Esqr. No. 6. Lexington 8th. Augt. 1826

Sir,

Your letter, under date at New York on the 29th. of June last having been duly received at the Department of State, and submitted to the President, was subsequently transmitted to me at this place, and I now have the honor to address you agreeably to his directions. He is very desirous of an amicable settlement of all the points of difference between G. Britain and the U. States, on just principles. Such a settlement alone would be satisfactory to the people of the U. States, or would command the concurrence of their Senate. In stating, in your instructions, the terms on which the President was willing that the several questions, pending between the two Governments, might be arranged he yielded as much to a spirit of concession as he thought he could, consistently with the interests of this country. He is, especially, not now prepared to authorize any stipulations involving a cession of territory belonging to any state in the Union, or the abandonment, express or implied, of the right to navigate the St. Lawrence, or the surrender of any territory south of latitude 49 on the North West coast. Adhering to these restrictions, the President would, in other respects, be willing that you should exercise more latitude in the conclusion of a treaty which you believe would be acceptable to the people of our Country, and would obtain the constitutional sanctions. Desirable as it is to arrange all matters of difference between the two Countries, it is much better that they should remain unadjusted than be settled on terms disadvantageous to the U. States and which would therefore be unsatisfactory to the people and to other departments of the Government. With these observations, the motive of which your candor will enable you justly to appreciate, I will now proceed more particularly to notice the several subjects of which your letter treats, in the order in which they are there stated.

I. On that of the N. Eastern boundary it is not conceived that there is any real discrepancy between your powers and instructions. The general and comprehensive character of your powers, on which you remark, adapts them to whatever contingencies may arise in the progress of the negotiation, whilst the more limited nature of your instructions has resulted from the existing state of our information and our uncertainty as to the views and intentions of the other party. In directing your attention to the object of prevailing on G. Britain to substitute a negotiation at Washington to the existing treaty mode of settling the question, your instructions conform to those which were given under the
late administration, to Mr. Rush.² The dispute respecting this boundary can only be settled, in a direct negotiation, by compromise, or according to the provisions of the definitive treaty of 1783.³ With respect to a compromise, before one could be proposed or acceded to by this Government [sic], it would be expedient to consult the States whose territory might be affected by its terms. But they have not yet been consulted, and the President for that and other reasons, is not now prepared to authorize any specific proposal of compromise. He is however ready to receive, through you, any which the British Government may be disposed to offer, for consideration. You will therefore perceive that although our first aim should be to open a direct negotiation, we are not ready until, at least the States immediately concerned are previously consulted, to submit either at Washington or London any specific terms of compromise. In preferring Washington to London for such a negotiation the late and present administrations were influenced by the belief [sic] that the access to necessary facts and information would be more easy here than in G. Britain. But no great importance was ever attached to this point; and if the British Government should manifest a decided preference of London, or you should have reason to believe that the negotiation may be conducted on that theatre with advantages equal to those which would attend it at Washington, you are authorized to agree to London as the place of treating.

As to the settlement of the difference according to the provisions of the treaty of peace, neither party is probably now in a situation to enter upon one. The true meaning of the treaty, in relation to this question, depends upon matters of fact as well as principles of construction. But the matters of fact are unascertained and remain controverted between the parties. If they were therefore to agree themselves to arrange the question on the basis of the treaty of 1783, without resort to a third power, the first necessary step would be to establish indispensible [sic] facts. So that it is quite evident that, in any view of the case, wherever a direct negotiation might be agreed to be held, it could not be brought to a conclusion until the preliminary points to which I have adverted should be adjusted. You appear to have seen the subject in pretty much the same light. With regard to a survey of the disputed territory exhibiting the lines as contended for by the parties respectively, and the objects which may be supposed to favor the one or the other interpretation of the treaty of peace, there is no doubt of its utility, if not absolute necessity, and that whether the controversy is settled by the parties themselves or by reference, on the basis of that treaty; and you may accordingly propose such a survey. But the President does not think that it would be right, in the
event of a refusal to agree to a direct negotiation, to interpose any
delay, or to object, to the reference, without the British Gov­
ernment would consent to a previous survey. The treaty of Ghent is
silent as to such a survey, and he is unwilling that the good faith of
this country should be exposed to the slightest imputation by
creating any difficulties in the way of a faithful execution of its
provisions. Should the reference take place without a previous
survey, it can hardly be doubted that the Umpire whoever he may
be would himself direct it from his own sense of its propriety, or
at the instance of either of the parties who might request it. The
President has confidence in the justice of the King of Prussia, and
cannot allow himself to believe that he could be at all swayed
by British influence if the question were referred [sic] to him. But
as his health is understood not to be very good, you will consider
his name as erased from the list of those Sovereigns to some one of
whom you are authorized to submit the dispute—

II. The President cannot consent that the boundary between
the territories of the two powers on the N.W. Coast should be
south of 49. The British Government has not been committed by
a positive rejection of a line on the parallel of 49; but, if it had
been, its pride may take refuge in the offer which for the first
time, you are to propose of a right in common with us to the
navigation of the Columbia River. There is no objection to an
extension of the time to be allowed to British settlers to remove
from South of 49 to a period of fifteen years, if you should find
that it would facilitate an arrangement.

III. The navigation of the St. Lawrence. Both the articles A
and B unquestionably assume that the U States have the right to
the navigation of that river, independent of G Britain. Nor can
the President consent to any treaty by which they should renounce
that right, expressly or by implication. If a sense of justice should
not induce Great Britain to acknowledge our right, some hope has
been indulged that she might find a motive to make the acknowl­
egment [sic] in the power which we possess, on her principles, of
controlling the navigation of the St. Lawrence within our limits. If
she could be brought to consent to neither of those articles, your
instructions did not look to any other treaty stipulations on the
subject of the navigation of the St. Lawrence. And what they say
with respect to practical arrangements, in other forms, was intended
to refer to separate acts of the two parties. You are indeed autho­
rized to take for reference any counter proposals which may be made
by G. Britain, because it is possible that some other reconciliation
of the interests of the two powers than any which has occurred
here may present itself to the British Government; and because,
if that were not very likely such a reference would be stil [sic] due
in courtesy to the other party. Although it is desirable at present, for the inhabitants of the U States on the St. Lawrence to enjoy the liberty of trading at Montreal and Quebec in their lumber and other articles of produce, charged with no higher duties than similar Canadian commodities, it would be unsafe to assent that at no time, now or hereafter, would the right of freely navigating the St. Lawrence with a convenient place of deposit be available without the liberty of trading with either of those places. Such a right would open to our navigation a new theatre of enterprize, and if the British Colonial markets should be shut against us in consequence of high duties, others equally advantageous might be sought and found. If the British Government should decline agreeing to either of the two articles A and B. but be willing to receive our produce at Montreal or Quebec either free of duty, or with such reduced duties as might enable it to sustain a competition with Canadian produce, two modes of accomplishing this object present themselves, one by treaty and the other by acts of separate regulation. Between them there is no very decided preference. The latter was suggested in your instructions as being that which would be most likely to be attainable, and because it would not involve any abandonment of the rights of either party. If it be liable to the objection that either party may, at pleasure, put an end to it, the mutual interest which recommends its adoption would afford a guaranty [sic] of its durability. But you are authorized to consider your instructions enlarged so as to comprehend both modes of effecting the object, taking due care that if that by treaty should, in the progress of the negotiation seem to you best, the treaty stipulation shall either expressly reserve the right of the U States to the navigation of the St. Lawrence, in its whole extent, or at least shall be so framed as not to be susceptible of the interpretation that they have abandoned that right. It is believed that the British Government may be made to comprehend that the privilege of introducing the produce of Upper Canada, as proposed in your instructions, into the U. States, and thereby securing the shorter and better route through the State of New York will be an equivalent for that which we desire in the enjoyment of the markets of Montreal and Quebec. With respect to the right to the navigation of Lake Michigan, on which you suppose the British may insist, the President can see no legitimate purpose for which they should desire it. It can not be wanted by them either to reach their own dominions or those of any foreign country and stands therefore on other grounds than that on which we claim the right to navigate the St. Lawrence. And they are not allowed to trade with the indians situated within our limits. The same observations are applicable to Lake Champlain.
IV. With respect to a restriction of the trade with the British Colonies, when you shall have perused more carefully your instructions, in connexion with what was proposed to Mr. Rush by the British Government, you will have no difficulty in comprehending its object. The intention of the President is to place British and American vessels upon a footing of exact equality. If our vessels are to be prohibited from exporting the produce of the British Colonies to any other country than the U States, and to be also prohibited from bringing to the U States from the Colonies, cargoes made up in part of their produce and of European manufactures taken on board in European Ports, We desire that British vessels trading between the U States and British Colonies shall be placed under similar restrictions when departing from our ports. We cannot consent that they should enjoy the privilege of a double voyage whilst we should be limited to a single voyage. The advantage to them of bringing to the U States a mixed cargo, partly laden in British European ports, and partly taken in at Colonial ports is manifest, and would disable us from maintaining a fair competition in the Colonial Navigation.—

V. Upon a reconsideration of the articles proposed to Mr. Rush in the 22nd. Conference between him and the British Commissioners, with the benefit of your suggestions, which have been respectfully weighed, the President yet thinks that the ends of morality, justice and good neighbourhood will be advanced by adhering to the instructions already communicated to you. In regard to fugitives from justice our proximity to Canada renders a reciprocal surrender of them very desirable. The evil will encrease with our encreasing population and the best security against it is to found [sic] in subjecting the perpetrators of crime to a trial by those laws which they have violated, and from the animadversions of which they have sought to escape by flight. We experience no inconvenience in the mutual surrender of marine deserters under the convention with France. The case of Jonathan Robbins, to which you refer, had not been overlooked, but it is believed to have been attended by peculiar circumstances which created an interest and an excitement of a temporary nature not likely again to recur. The inconvenience now felt, and which is daily augmenting, from the elopement of persons held to labor in some of the States has been urgently and repeatedly represented to the executive in strong colors, and if unchecked cannot fail to lead to excesses and a consequent disturbance of friendly neighbourhood.

Such is the view of the President which I have to present of your letter of the 29th. of June. If there remain some slight differences of opinion between you, they are to be attributed to
any other cause than that of the want of high regard for your experience, discretion and judgment. And I am directed to express his entire confidence in the zeal and ability which you will evince in the execution of the instructions with which you are charged. I will add my sincere hope that the labors of your important mission may be so performed as to redound to the advancement of the interests of our Country and your own fame. I am, with great respect, Your obedient Servant

H. CLAY.


1 Cf. above, Adams to Clay, July 5, 1826; Clay to Adams, July 25, 1826.
2 Richard Rush.
3 The Treaty of Paris of that date.
4 Frederick William III.
5 Cf. above, Mareuil to Clay, October 4, 1825; Clay to Mareuil, June 7, 1826.
6 See above, I, 760, 774n.
7 Cf. above, Wickliffe to Clay, April 12, 1826.

Rental Agreement with Catherine B. Cooke

[August 8, 1826]

An agreement entered into between H Clay and Cathn. B. Cooke.

The said Clay hereby leases to the said Cooke for the term of three years, commencing on the 10th. of August 1826 his corner house situated in the town of Lexington on Short and Market streets, with the exception of the two rooms fronting on Short street, and a back room attached to each of them. In consideration whereof the said Cooke agrees to pay to the said Clay the Sum of One hundred and sixty five dollars in specie per annum to be paid quarterly. And to secure punctual payment there of the said Clay reserves the right of distress and of re-entry and taking possession of the demised Premises.

The said Clay also reserves the right of taking possession of the Kitchen at present attached to the said demised premises provided he builds another on the premises for the use of the said Cooke.

In testimony whereof the parties afd. have hereunto set their hands and seals this 8h. day of August 1826.

H CLAY [Ls]
CATHE B COOKE [Ls]

Teste
Robt. Scott

[Endorsements]1

R Scott

In addition to the above Mrs. Cooke has leased the rooms lately occupied by the late Mr. Jouitt2 at forty dollars per year—The rent to commence to morrow on acct. of the trouble she has had in cleaning up the rooms, glazing &c. the rent has been reduced to
that sum 40$—but she is to leave the windows full glazed—9 Nov. 1827

Robt. Scott

[Five additional endorsements,\(^3\) on verso, show that Mrs. Cooke paid $41.25 quarterly, through November 9 (for rent due November 10), 1827; eight entries indicate that she paid, somewhat irregularly, $51.25 per quarter; on February 26, 1830, she paid $32.25; the next four entries are, again, for $51.25 each, to April 2, 1831; on this last date she paid $33.33 "in full of rent of Cotton Store" and $5 rental for "2 Small Rooms"; and, finally, on April 18, 1831, "Mrs. Cook [sic] left House."]

ADS. DLC-TJC (DNA, M212, R16). Mrs. Cooke was proprietor of a boarding house on this property.\(^1\) Each, AES.

\(^2\) Matthew H. Jouett, who died August 10, 1827. No rental agreement between Clay and Jouett has been found.

\(^3\) These and the others mentioned below, all AE, by Scott.

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Note Account with Robert Scott

Henry Clay Esqr.  

In A/C with Robt. Scott  

[August 8, 1826]

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>For Coms. Notes(^1) received and paid.—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 7</td>
<td>To Balance as per Acct. and settlemt.(^2)</td>
<td>235</td>
<td>49</td>
</tr>
<tr>
<td>8</td>
<td>Paid S Chipley(^3) for Brick for repg. Hotel(^4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>&quot; B. Wood(^5) D S. Fay: his comm. on Warrt. of Distress vs Curry(^6)</td>
<td>83(\frac{3}{4})</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>&quot; Thos. R. Wallace(^7) D S. Fay. Tax of 1824 $51.34. Fee Bills 14$70</td>
<td>9 75</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>&quot; T. Mc.Cracken(^8) for putting roof on shade of Back Door of Hotel &amp; repairing Cellar Door ({)}</td>
<td>66</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>Recd. of Mr. Plaisted,(^9) old balance of rent</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Augt. 1</td>
<td>Paid Mr. Kerr(^10) for Midwife to one of your black women</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>&quot; Geo. Downing(^11) for painting Cellar Door made by McCracken</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>&quot; T Park(^12) for 5 Pr. Shoes for Farm Negroes</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; R. S. Todd for 3 Bbls Salt and empty Hogshead</td>
<td>31</td>
<td>77</td>
</tr>
<tr>
<td>16</td>
<td>Recd. of Wilkins, Mc.Ilvain &amp; Co. for 1 qrs. rent ending 1st. July(^13)</td>
<td>62</td>
<td>50</td>
</tr>
<tr>
<td>18</td>
<td>&quot; Mr. Rate(^14) do do 12 inst.</td>
<td>32</td>
<td>50</td>
</tr>
<tr>
<td>28</td>
<td>Paid J. H. Kerr to buy Bacon for use of the Farm</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Sepr. 6</td>
<td>&quot; T. Stedman(^15) for mending Lock</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Entry</td>
<td>Description</td>
<td></td>
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<tr>
<td>-------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Aug. 8, 1826</td>
<td>15 Recd. of Jno. Deverin for 1 qrs. rent due 1st. inst.</td>
<td>&quot; &quot; 125 &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>23 Paid A. McCalla for Glass &amp; glazing in corner House</td>
<td>8 871/2 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28 &quot; &quot; Jno. H. Kerr for Midwife to Negro Kitty</td>
<td>4 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td>Ocr.</td>
<td>1 Recd. of Jno. Mc.Cracken for Stable rent</td>
<td>&quot; &quot; 37 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paid Mc.Cracken &amp; Gibney for repair of pavement at Corner House</td>
<td>3 75 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 &quot; &quot; J. H. Morton Treasr. T University, tuition &amp;c. of H Clay Jnr.</td>
<td>21 50 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14 &quot; &quot; H. Clay Jnr. to buy a pr. Shoes</td>
<td>5 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20 &quot; &quot; J. C. Rodes, C. Fayette Cy. for Fee Bills</td>
<td>3 37 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22 Recd. of Wilkins, Mc.Ilvain &amp; Co. for 1 qrs. rent due 30 Sept. Ulto.</td>
<td>&quot; &quot; 62 50</td>
<td></td>
</tr>
<tr>
<td>Nov.</td>
<td>3 &quot; &quot; Mrs. Blanton for an old balance of rent</td>
<td>&quot; &quot; 6 121/2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; &quot; Ditto in part of rent due 30th. Sept. last</td>
<td>&quot; &quot; 26 371/2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7 Paid Geo. Henry for Glass &amp; Glazing in corner House</td>
<td>8 13 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11 Recd. of Gratz &amp; Bruce for corn meal furnished prior to 5th. inst.</td>
<td>&quot; &quot; 208 &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12 &quot; &quot; Medical Faculty for rent of Lecture Rooms</td>
<td>&quot; &quot; 420 &quot;</td>
<td></td>
</tr>
<tr>
<td>Decr.</td>
<td>7 &quot; Mr. Ratel for 1 qrs. rent due 12 Novr. Ulto.</td>
<td>&quot; &quot; 32 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8 Paid Jno. M. Huett for a Truss for Shadrack</td>
<td>3 50 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 &quot; &quot; Mrs. Hart Snr.</td>
<td>125 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12 Recd. of Jno. Deverin for 1 qrs. rent due 1st. inst.</td>
<td>&quot; &quot; 125 &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14 &quot; &quot; Mr. Kerr for meal sold Mrs. Hart</td>
<td>2 64 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16 &quot; &quot; Ditto Rye Straw sold Mrs. Morrison</td>
<td>&quot; &quot; 1 &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19 &quot; &quot; Jno. Mc.Cracken for Stable rent</td>
<td>&quot; &quot; 37 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22 Paid John Steel for a Hat for H Clay Jnr.</td>
<td>12 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>27 &quot; H. Clay Jnr. to procure Shoes &amp;c.</td>
<td>5 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forwarded</td>
<td>$616 76 1190 30</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dr.</td>
<td>616 76 1190 30</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1825</td>
<td>Decr. 27 Amounts forward</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1826 Paid R. Henry for Black Smiths Bill</td>
<td>31 50 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1826 Paid R. Henry for Black Smiths Bill</td>
<td>31 50 &quot; &quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jany. 3 Love &amp; Berryman for a Blanket for Shadrack</td>
<td>3 &quot; &quot;</td>
<td></td>
</tr>
</tbody>
</table>
Recd. of Mrs. Blanton on Acct. of rent
4 Paid J. H. Morton, Treasr. T. University,
tuition &c. of H. Clay Jnr.  
9 Recd. of J. H. Morton Cashr.
for order on P. Clay
10 Paid H. Clay Jnr. for pocket money
11 H. Clay Jnr. to procure Ticket to 
Holly's Lectures

Feb'y. 14 Recd. of J. M. Pike for hire 
of Shadrack last year
Paid Jno. Rigg for season of 9 
Mares to his Jack last year
18 Recd. of Mr. Ratel for 1 qrs. rent 
due 12 inst.
22 Paid H. Clay Jnr. for pocket money
23 Mrs. S. Hart on Acct.
28 J. H. Morton, Cashr. &c. 
in full of J. Minters Note

Mar 11 Harry Quill for making 
old Peters Coffin
Boy Cleaning Street opposite 
your corner House
21 Recd. of Jno. Deverin for 1 qrs. rent 
due 1st. inst.
Apl. 1 J. McCracken for Stable rent
3 Paid J. H. Morton Treasr. T. University, 
tuition &c. of H. Clay Jnr.
5 H. Clay Jnr. for pocket money 
this month and last
18 Mrs. S. Hart Snr. on Acct.
27 D. Megowan for Tar 
for use of Farm
May 9 H. Clay Jnr. pocket money
17 J. Gibson for Black Smith work 
done for Farm
19 Recd. of F. [sic] P. Ratel for 1 qrs. 
rent due 12 inst.
23 Doctr. Richardson & others, 
al. of last years rent of 
Lecture Rooms
25 Wilkins, Mc.Ilvain & Co. for 2 qrs. 
rent due 31 March last
June 17 Jno. Deverin for 1 qrs. rent 
due 1st. inst. (say bal. of rent)
29 Paid H. Clay Jnr. for pocket money
July 3 Ditto do do
4 Recd. of Jno. Mc.Cracken for Stable rent
Mrs. Ellen Hart per hands 
of Thos. P. Hart on Acct.
2 Not found. Cf. above, Scott to Clay, October 6, 1825.
3 The Reverend Stephen Chipley, a member of the Methodist Episcopal Church and of the first Lexington City Council (in 1832), for many years a trustee of Transylvania University, was also a partner in Layton and Company (see below, Specie Account with Scott, August 12, 1826), brickmakers and builders. 4 Kentucky Hotel.
5 Benjamin C. Wood, deputy sheriff, Fayette County, 1823-1826.
6 Probably Thomas Curry. Cf. above, Bill to Curry, ca. April 11, 1825.
7 Not further identified. 3 Thomas McCracken, Lexington carpenter.
8 J. Plaisted. 10 John H. Kerr.
9 Not further identified.
12 Thomas Park, whose shop was located on “Jordan’s Row, opposite the Public Square.” Lexington Kentucky Reporter, January 3, 1825.
13 See above, II, 786-87.
14 Philbert Ratel.
15 Thomas Studman, Lexington whitesmith and blacksmith.
16 Probably the liquor dealer, one of the party of Kentucky pioneers who had named Lexington in 1775, and not the John McCracken referred to above, Property Deed, June 7, 1825.
17 Probably Thomas McCracken and Alexander Gibney.
18 Mrs. K. H. Blanton. 19 Not further identified.
20 Cf. above, III, 136-37.
22 Probably Susannah Hart (Mrs. Thomas, Sr.)
23 Esther M. Morrison.
24 Cf. Steele’s Run, on the Old Frankfort Road eight miles west of Lexington, a son-in-law of Robert Patterson, the pioneer Lexingtonian, and a partner of Patterson Bain in the hatting business. 25 Richard Henry.
26 John Love and Edwin Upshur Berryman. The former, a native of Ireland, had settled in Lexington around 1820 and opened a dry goods business, into which he had subsequently taken Berryman as a partner.
27 Morton, cashier of the Lexington branch of the Bank of the Commonwealth; Porter Clay. 28 Horace Holley.
29 Jonathan Rigg resided in the northern district of Fayette County.
31 Probably Henry Quile. 32 David Megowan.
33 Probably James Gibson, who owned a farm about a mile and a half beyond Clay’s, on the Richmond Road.
35 Eleanor Grosh Hart. 36 Cf. above, Memorandum, July 6, 1825.
37 The horse, “Winter’s Arabian,” white and about four feet nine inches high, had been captured by Baltimore privateers during the War of 1812, as the animal was being transported from Senegal to Portsmouth, England. Elisha I. Winter had purchased him and in the mid-1820’s was advertising his “Imported Oriental Horse” at stud. [Richard] Mason, The Gentleman’s New Pocket Farrier . . . (Philadelphia, 1853), 318; Lexington Kentucky Reporter, March 14, 1825.

From Micah Taul

Dr. Sir
Winchester, Tennessee, Augt. 8th. 1826—
[Solicits appointment for his son, Thomas P. Taul, as United
States attorney "for the Northern district of Alabama" to succeed the late (Francis) Jones.] It may be objected to him, that he is not a Citizen of Alabama in answer to which, I have to say, that he left Kentucky in November last, with the intention of settling in Huntsville; that he arrived there early in Decr. & remained until some time in March, when he left there to visit his sick brother in Kentucky— The sickness & death of his brother\(^1\) detained him some time in that state & our business there has called him back since, from whence he has recently returned to this place, where I have temporarily located myself— I left Kentucky myself with the intention of settling in Huntsville. I am however here; but it is probable I shall go on to Huntsville the ensuing autumn— This place is in the District & is the residence of the Honble Jacob C. Isaacks,—one of the great constitution tinkers [sic]\(^2\)— I will embrace some other opportunity to give you some pleasant anecdotes about some of the would be great politicians of Tennessee— There is a deal of smoke here, but not as much fire, as an observer at a distance might suppose— I beg you to present my most respectful compliments to Mrs. Clay, and accept for yourself assurances of the continued esteem & undiminished confidence of Yr. friend &c. Hon. H Clay—

M Taul


\(^1\) Algernon S. Taul.

\(^2\) Jacob C. Isaacks. Cf. above, Clay to Hammond, November 1, 1825, note.

INSTRUCTIONS AND DISPATCHES August 8, 1826

From Vincent Gray, Havana. Notes that T(homas) M. Rodney has left him in charge of the agency. Cites steps he has taken relative to deserting seamen, the need for congressional action on that subject, and the subterfuges "resorted to by the Masters to evade the laws" (cf. above, Raguet to Clay, June 30, 1826). Reports his arrest of registers of "Several American vessels," which, having been "sold here, to Citizens of the United States, . . . were allowed to retain the Registers" until reaching their home ports but which, in reality, sailed under the Spanish flag and returned to Havana. Reports also, and explains, his refusal to sign "several Drawback Certificates." Suggests, as a method of preventing forgery of "Marine papers," that a vessel under the American flag should be required, for admission to ports of the United States, to have "a certificate or clearance from the Ports of Cuba, where an agent may reside—stating her National Character." States that "The whole [Spanish] squadron are now fitting out for an expedition on the Coast of Colombia," presumably "to Cooperate [sic] with General Paes [José Antonio Páez], and 4000 men are . . . to accompany the expedition." Adds that, upon learning that a Dutch consul (a Mr. Lobe, not further identified) was on the way to Havana, he gave this information to the Captain General (Francisco Dionisio Vives), who replied "that he was hourly looking for an order, authorizing him to acknowledge the American Consul." ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5).
From Samuel L. Southard, Navy Department. Transmits “a letter from Capt. Jesse D. Elliott, with several enclosures,” which he wishes Clay to read and return. LS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by clerk: “10th Returned the papers to the Navy Dept.”

Samuel Brown, Huntsville (Alabama), recommends the appointment of James Craighead as district attorney for Northern Alabama. Copy. MHi-Adams Papers, Letters Received (MR477). Craighead did not receive the appointment.

Thomas Culbreth, Annapolis, recommends Edward Dubois for a clerkship. ALS. DNA, RG59, A. and R. (MR2). Culbreth, who had served in the State House of Delegates in 1812 and 1813 and as a member of Congress from 1817 to 1821, was now (from 1825 to 1838) clerk of the executive council of Maryland. Dubois not further identified. Cf. below, Chambers to Clay, September 7, 1826, note.

From Juan Francisco de Sosa, Guatemala. Announces that Pedro Gonzales is being sent to the United States as Chargé for the Republic of Central America. LS. DNA, RG59, Notes from Central American Legation, vol. 1 (M-T34, R1). Received November 14. Gonzales arrived at his post November 14 and served until March 16, 1828.

James Brown, Paris, no. 53. Acknowledges receipt of Clay’s “Dispatch No. 7” (above, June 13, 1826); asserts that the documents transmitted therewith “will be insufficient to sustain the claim for Indemnity unless supplied [sic] by further testimony”; reports that he has advised Mrs. (Deborah) Warnier “without delay to appoint an Attorney in fact, to attend to her interests,” and has “recommended Mr Isaac Cox Barnet . . . as well qualified to be useful to her.” LS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received September 29.

On September 30, Brent wrote to Mrs. Warnier, as “directed by the Secretary to transmit . . . the enclosed letter, from Mr. Brown . . . [to her], together with the copy of one from the same gentleman to this Department.” Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 387 (M40, R19).
From JAMES BROWN, Paris, no. 54. Reports that he is sending, unbound, the books requested by Clay in his "No. 7 [sic]" (i. e., no. 6, above, June 10, 1826). LS. DNA, RG59, Dip. Disp., vol. 23 (M34, R26). Received September 29.

From JAMES J. WRIGHT, Santiago de Cuba. Resigns his position as commercial agent; appoints Thomas Brooks to act until the vacancy can be filled; notes that he has never asked reimbursement for his expenditures in aid of distressed seamen. "As it was not with a view to its emoluments that" he accepted the appointment. ALS. DNA, RG59, Cons. Disp., Santiago de Cuba, vol. 1 (M-T55, R1). Brooks not further identified.

APPLICATIONS, RECOMMENDATIONS August 10, 1826

JOSEPH KENT, "Rose Mount," recommends Edward Dubois of Annapolis for a clerkship. ALS. DNA, RG59, A. and R. (MR2). "Rose Mount" was Kent's home, near Bladensburg, Maryland. Cf. above, Culbreth to Clay, August 9, 1826.

HENRY SHAW requests Clay "to speak with Mr. Secretary [James] Barbour on the subject" of an application, by Henry Gardner Macy, nine years old, of Nantucket Island, "to have his name placed" on file for future admission to the Military Academy; notes that "The Island has never shared the patronage of the Military Academy"; and adds: "of the Lad I can say nothing— of his friends I can say much— the one I do not know, the others are among my warmest friends, and as such may be regarded as yours also—for on this head I allow of no difference—circumstances [sic] which it is unnecessary [sic] now to relate have prevented me from writing to you for some time past— this is not however to be taken as evidence of the least abatement in my friendship, which shall be more fully established at a no distant period—" Promises: "You will get one of my 'interminables' before long—" ALS. DNA, RG59, Military Academy, Cadet Applications, 1826-114 (M688, R43). Young Macy did not attend the Military Academy but turned, instead, to the sea. During the Civil War he served as an ensign and master of a Naval vessel, and in 1870, two years before his death, he was commissioned a lieutenant.

To Adam Beatty

My Dear Sir

Lexington 11h. August 1826.

The absence of Genl Bodley and myself from this place has delayed my answer to your letter respecting the debt due from him and Genl. Poague to me. I have at length had an interview with him and consented to allow, as a credit against the note, his fee bills to the amount of the sum of one hundred and fifty one dollars and 40 Cents. You will be pleased accordingly to direct that credit, which ought to be given as on the day when it was first claimed of you, and collect the residue. After deducting your fee and commission, I should be obliged if you would remit the residue in a check to me at Washington, or deposit it to my credit with the office of the Bank U.S. here.
I should have been much gratified with personally seeing you prior to my return to the City. Of that satisfaction I shall be deprived, having determined to go a route which will not probably admit of it. I leave the State with less confidence than I could have wished as to the settlement of our local troubles. I fear the day of peace and harmony is yet very distant; but, always recollecting the maxim which forbids despair of the Republic, we must hope for the best. I add my warm wishes for your individual prosperity.

I am truly Your friend

H Clay

Adam Beatty Esq.

ALS. Owned by Earl M. Ratzer, Highland Park, Illinois.

1 Not found. Cf. above, Clay to Beatty, March 2, 1826.

2 Cf. above, Crittenden to Clay, April 27, 1826; below, Clay to Adams, August 12, 1826.

Property Deed to Elizabeth Faith

[Indenture transferring to Elizabeth Faith, “late Elizabeth Morrison,” 23 acres on Town Fork, being part of an undivided 43 acres at Woodford Road and Merino Street which had been conveyed to Clay, as executor of James Morrison, by Richard Higgins on July 1, 1825. Morrison had willed to Elizabeth $3,000 worth of land, and this deed is “in part satisfaction of the said devise.” Signed by Clay, only acting executor of Morrison, and Esther Morrison, Robert Wickliffe, Farmer Dewees, and Richard Hawes, Jr., “nominated but not qualified as executors.” Recorded in Fayette County clerk’s office August 12, 1826.]

Fayette County Court, Deed Book 2, pp. 113-15.

Elizabeth Morrison, a niece of James Morrison, was now Mrs. John Faith, a resident of Daviess County, Kentucky. For the bequest, see Fayette County, Will Book F, 65.

Property Deed to Mary Ann Holmes

[Henry Clay, only acting executor of James Morrison, assigns to Mary Ann Holmes, “as full satisfaction for fifteen hundred dollars” of a $3,000 devise to her from Morrison, 20 acres of land “on the waters of the Town fork, County of Fayette... being an undivided part of Forty three Acres” at the Woodford Road and Merino Street. She previously had received the other half of the devise. Joining Clay in making the deed were Esther Morrison, Robert Wickliffe, Farmer Dewees, and Richard Hawes, Jr., nominated but not qualified as executors. Recorded in Fayette County clerk’s office August 12, 1826.]

[August 11, 1826]
INSTRUCTIONS AND DISPATCHES  August 11, 1826

From ALBERT GALLATIN, London, no. 3. Reports his arrival; encloses exchange of notes with (George) Canning; states that (William) Huskisson and (Henry U.) Addington "are out of town; and it is not probable that a negotiation with those gentlemen can be opened before the middle of next month." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Published in Senate Docs., 20 Cong., 1 Sess., no. 19, p. 14.

MISCELLANEOUS LETTERS  August 11, 1826

From DAVID B. OGDEN, New York. Transmits additional documents, received from Spain, relative to the case of the General Brown (see above, Tudor to Clay, June 8, 1825) and again solicits "the attention of the Government to" the matter. LS. DNA, RG76, Misc. Claims #1-235, file 1887, box 4.

To John Quincy Adams  August 12h August 1826

My Dear Sir

Lexington

I have transmitted to Mr. Brent¹ by the mail carrying this letter, one which I have prepared to Mr. Gallatin;² and I have directed that, after it is copied in the office, it should be forwarded to you. It has been written, of course, without my having here any opportunity of access to his instructions or to other papers. Should you approve it, the delay of its being sent back to the City³ may be avoided by confiding it at once to the care of the Collector at New York⁴ for transmission to England. Should you desire alterations in it, which you may suppose only proper to be made by me, it can be returned to the office, and I dare say, after it is modified agreeably to your wishes, it will still reach Mr. Gallatin in due time. I have thought it due to the occasion to notice in detail the suggestions of Mr. G. On the point of the surrender of fugitives &c. although he adverts to a remarkable incident, which occurred during your father's Administration, and draws from that an objection, I am pretty confident from conversations with him that his disinclination to treat on that subject principally proceeds from his aversion to make the proposal about runaway slaves. This is certainly an unpleasant subject, but I think the Executive is, in some measure, committed to make the experiment; and the interest concerned will not be satisfied without it is made.

I shall leave this place for Washington tomorrow. As I shall stop about a week at the Virginia Springs, for the benefit of my health, it may be the 10h. or 12h. of September before I reach the City. I feel a slight improvement in my strength, and some-
what better than I was when I parted from you, but there is much room for further amendment.

The result of the elections in this State, which have taken place this week, is not yet certainly known; but it is believed to be favorable to the Anti relief party in both branches of the Legislature. I am with great respect Your obedient Servant H. CLAY

J. Q. Adams Esqr.

ALS. MHi-Adams Papers, Letters Received (MR477). Adams was still at home, where he remained until October 6.

1 Daniel Brent.
2 Above, August 8, 1826.
3 Washington.
4 Jonathan Thompson.
5 See above, III, 902n.

Debt Account of James Morrison’s Estate

[ca. August 12, 1826]

Lists, in ten pages, the names of persons owing sums to the estate of James Morrison, those to whom the estate is liable, and the amounts involved, with notations indicating the date the debts are due, the probability of repayment, and the stage of liquidation. Debts due the estate estimated as “Good” total $51,094.97; “Doubtful,” $13,461.12; “Bad,” $20,022.88. Funds on hand in specie amount to $16,788.52, and those in notes of the Bank of the Commonwealth, $3,028.19. Debts due by the estate identified as “Good” total $19,020.87; “Doubtful,” $4,303.01. Colonel Morrison is also listed as possibly liable to the United States Government, as security for A(shton) Garrett, and to Montgomery Bell, for $25,000 under a suit relating to the “old Saline Co.” D, in Robert Scott’s hand. KyLXT. AEI on wrapper: “Conjectural estimate of the condition of Col. Morrison's Estate on which I communicated with the Commee. of the Trustees of Transylvania University... August 1826. H C.”

Garrett, who had been an Army paymaster during the War of 1812, owed nearly $40,000, on which he was now in default and insolvent. Suit against his sureties was in progress. House Docs., 19 Cong., 1 Sess., no. 141, p. 34. On Morrison’s connection with the United States Saline, see above, II, 166n.

Note Account, Private, with Morrison Estate

H. Clay Esqr. (Private Acct.) [August 12, 1826]

In A/C with J. Morrison’s Estate.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>In Coms.1 Notes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 5</td>
<td>To Balance per A/C rendered.</td>
<td>2,271 81</td>
<td></td>
</tr>
<tr>
<td>1826</td>
<td>By 5 Pr. Ct. Commn. on 3546§57. being amt of monies collected since 13 June 1825</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td></td>
<td>177 32</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,094 49</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,271 81</td>
<td>2,271 81</td>
</tr>
<tr>
<td>Augt. 12</td>
<td>&quot;Amt. of your check of 5 July 1825,3 given up</td>
<td>2,094 49</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>807 30</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,901 79</td>
<td></td>
</tr>
</tbody>
</table>
Specie Account, Private, with Morrison Estate

H. Clay Esqr. (in private Acct.)

In A/C with J. Morrison's Estate

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1825</td>
<td>In Specie funds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 5</td>
<td>To Balance as per A/C rendered(^1) being so much of the University Legacy retained(^2)</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Octr. 3</td>
<td>'' Six months interest paid on ditto</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>1826</td>
<td>Mar. 18. '' Bank Check(^3) remitted you at W. City</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>27. '' B. Gratz's draft(^4) do do</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>29. '' Seven Mississi. Bank Checks(^5) do</td>
<td>3,827.31</td>
<td></td>
</tr>
<tr>
<td>Apl. 3.</td>
<td>'' Six months interest pd. on 10000$ of the University Legacy in your hands</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 8.</td>
<td>'' Amt of Judgmt. vs G. G. Taylor &amp; Co. rec'd. by you of H. Binney Phila. 4151$.97. - Interest 61$13.</td>
<td>4,213.10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Amt pd. H. Binney for his fee in above case</td>
<td></td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>To Amt recd. of Jno. Abbot on Acct. of his Note(^7)</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>By 5 Pr. Ct. Commun. on 16.717$59. being Amt. of specie funds collected since 13 June 1825</td>
<td></td>
<td>835.87</td>
</tr>
<tr>
<td>12.</td>
<td>'' Certificate of deposit made by H. Binney in Bank of U States</td>
<td></td>
<td>3,963.10</td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td></td>
<td>16,791.44</td>
</tr>
<tr>
<td></td>
<td>$21,840.41</td>
<td>21,840.41</td>
<td></td>
</tr>
</tbody>
</table>

To Balance 16,791.44

Augt. 12 By Cash per check\(^8\) pd. R. Scott, bal. of his Legacy 511.44

Balance 16,280

$16,791.44 16,791.44

To Balance

Endorsement\(^9\) E. E H. Clay

\(^{1}\) Bank of the Commonwealth.
\(^{2}\) Not found.
\(^{3}\) Not found.
\(^{4}\) See above, III, 786; Clay to Simon Gratz and Brother, March 16, 1826.
\(^{5}\) Not found.
\(^{6}\) Not found.
\(^{7}\) Cf. above, III, 458, 767.
\(^{8}\) Not found.
\(^{9}\) AES.
Specie Account with Robert Scott

Henry Clay Esqr.
In A/C with Robert Scott

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Dr.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 14</td>
<td>Received of Hawes &amp; Buckner(^1) on Acct of Hemp</td>
<td>&quot;</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td>Paid, C. G. Calloway(^2) for painting Hotel(^3) 31$. Window Shutters 4$.</td>
<td>35</td>
<td>&quot;</td>
</tr>
<tr>
<td>20</td>
<td>&quot; H. Clay in a Bank Check remitted to W. City(^4)</td>
<td>400</td>
<td>&quot;</td>
</tr>
<tr>
<td>26</td>
<td>&quot; A. M. January for carriage of furniture to Maysville &amp;c.</td>
<td>30 10</td>
<td>&quot;</td>
</tr>
<tr>
<td>Sepr. 12</td>
<td>Recd. of S. Bryan in full of his sale Bond for 30$ due 20 May 1825</td>
<td>&quot;</td>
<td>34 17</td>
</tr>
<tr>
<td></td>
<td>Paid N. Berthoud in full of his Acct. for Storage</td>
<td>26 12</td>
<td>&quot;</td>
</tr>
<tr>
<td>Octr. 3</td>
<td>&quot; H. Clay Jnr. to procure Blairs Lectures(^5) &amp;c</td>
<td>5 58</td>
<td>&quot;</td>
</tr>
<tr>
<td>4</td>
<td>Recd. of G. W. Anderson for rent(^6)</td>
<td>&quot;</td>
<td>3 40</td>
</tr>
<tr>
<td>10</td>
<td>&quot; B. Bosworth in full of his Note of 22 Augt. 1821 for 84$.</td>
<td>&quot;</td>
<td>74</td>
</tr>
<tr>
<td>13</td>
<td>Paid A. Parker for mourning suit for H. Clay Jnr.(^8)</td>
<td>20 54</td>
<td>&quot;</td>
</tr>
<tr>
<td>15</td>
<td>Recd. of Jno. D. Dillon for 1 qrs. rent due 21 Seprt. Ulto.(^9)</td>
<td>&quot;</td>
<td>15</td>
</tr>
<tr>
<td>18</td>
<td>&quot; Mr. Kerr(^10) for Beef Hide</td>
<td>&quot;</td>
<td>2 37(1/2)</td>
</tr>
<tr>
<td>Novr. 1</td>
<td>Paid Postage from H. M. Shiff, New Orleans(^11)</td>
<td>25</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; Ditto to and from A. M. January</td>
<td>20</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; A Logan &amp; Sons(^12) for Leather to Shoe Farm Negroes</td>
<td>10 75</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>Recd. of Mr. Kerr for Hide of Hieffer [sic] that died</td>
<td>&quot;</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>&quot; Ditto [for] Meal Sold Mrs. Mentell(^13)</td>
<td>&quot;</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>&quot; Ditto for Beef Hide 2$25 (18) Stack Hay sold 8$.</td>
<td>&quot;</td>
<td>10 25</td>
</tr>
<tr>
<td>18</td>
<td>&quot; Mr. for use of Lecture Room (some time since)</td>
<td>&quot;</td>
<td>1</td>
</tr>
<tr>
<td>22</td>
<td>Paid H. Clay Jnr. to procure necessaries</td>
<td>2</td>
<td>&quot;</td>
</tr>
<tr>
<td>Decr. 5</td>
<td>&quot; C. G Calloway for painting Hotel Doors last summer</td>
<td>4</td>
<td>&quot;</td>
</tr>
<tr>
<td>9</td>
<td>&quot; H. Clay Jnr. for cloathing</td>
<td>3</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Dr.</td>
<td>Cr.</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>13</td>
<td>&quot; Thos. Clay per order</td>
<td>150</td>
<td>&quot;</td>
</tr>
<tr>
<td>14</td>
<td>Recd. of Mrs. Hart(^4) for</td>
<td>&quot;</td>
<td>10 57</td>
</tr>
<tr>
<td></td>
<td>3 Hogs 423 lb @ 21(\frac{1}{2})c</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Mrs. Morrison(^15) [for]</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 do 1568 [ @ 21(\frac{1}{2})c]</td>
<td>&quot;</td>
<td>34 20</td>
</tr>
<tr>
<td>17</td>
<td>&quot; Mr. Kerr for 6321(\frac{1}{2}) lb</td>
<td>&quot;</td>
<td>31 62(\frac{1}{2})</td>
</tr>
<tr>
<td></td>
<td>Lard sold [@] 5 [c]</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Paid J. Kirkpatrick(^6)</td>
<td>&quot;</td>
<td>7 70</td>
</tr>
<tr>
<td></td>
<td>for 2 Bbls Salt for use of Farm</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>&quot; Jno. H. Kerr on Acct. of Wages for this &amp; next year</td>
<td>100</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>Recd. of Ditto for a Beef Hide sold</td>
<td>&quot;</td>
<td>3 12(\frac{1}{2})</td>
</tr>
<tr>
<td>29</td>
<td>Paid Hawes &amp; Buckner an</td>
<td>28 39</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>over paymt. recd. on Hemp</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>1826</td>
<td>Jany 10 Recd. of N. Nicholas, for 1 qrs. rent</td>
<td>&quot;</td>
<td>31 25</td>
</tr>
<tr>
<td></td>
<td>due 13 Decr. 1825(^17)</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Doctr. Pindell(^18) for 12 Hogs</td>
<td>&quot;</td>
<td>40 05</td>
</tr>
<tr>
<td></td>
<td>1602 lb @ 21(\frac{1}{2})c</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Thos. Smith &quot; 10 ditto</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1550 [lb @] 38$75. Shucks 1$.</td>
<td>&quot;</td>
<td>39 75</td>
</tr>
<tr>
<td></td>
<td>Paid T. Smith for money lent</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>in Decr. last 4$. Play Ticket</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for H. Clay Jnr. 75c</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13 Recd. of Jno. D. Dillon for 1 qrs. rent due 21 Decr. 1825</td>
<td>&quot;</td>
<td>4 75</td>
</tr>
<tr>
<td></td>
<td>14 &quot; J. Shannon(^19) in full of 3 qrs. rent due 31 Decr. 1825</td>
<td>&quot;</td>
<td>42 25</td>
</tr>
<tr>
<td></td>
<td>30 Paid H. Clay Jnr. to procure College Catalogue &amp; Veiw[sic]</td>
<td>2</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>Feby. 7 Recd. of Jno. H Kerr for Hay sold</td>
<td>&quot;</td>
<td>26 93</td>
</tr>
<tr>
<td></td>
<td>Paid Ditto for Ice</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>got of J. T. Hawkins</td>
<td>3</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>7 &quot; H. Clay Jnr. to buy a pr pumps</td>
<td>250</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>Forwarded</td>
<td>835 88</td>
<td>817 94(\frac{1}{2})</td>
</tr>
<tr>
<td></td>
<td>1826 Dr.</td>
<td>835 88</td>
<td>817 94(\frac{1}{2})</td>
</tr>
<tr>
<td></td>
<td>Feby 7 Amounts forward</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18 Recd. of Jno. H Kerr for a</td>
<td>&quot;</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Small Stack of Hay sold</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>23 Paid Foster &amp; Varnum(^20)</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for Cloth &amp; making Cloathes</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for H. Clay Jnr.</td>
<td>26</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>20 &quot; John H. Kerr on Acct. of Wages</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 15 Recd. of H. Clay Jnr. to buy a pr. Shoes</td>
<td>&quot;</td>
<td>3 50</td>
</tr>
<tr>
<td></td>
<td>18 &quot; T. W. Clay pr. order</td>
<td>&quot;</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>of 3rd. inst.</td>
<td>100</td>
<td>&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; A. McClure(^21) for a Shroud</td>
<td>&quot;</td>
<td>1 50</td>
</tr>
<tr>
<td></td>
<td>for old Peter</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Aug. 20</td>
<td>H Clay Jnr. to pay for pantaloons</td>
<td>3 £</td>
<td></td>
</tr>
<tr>
<td>Aug. 23</td>
<td>Jno. Dishman for a Bbl Salt for Farm</td>
<td>4 £ 34</td>
<td>9 £ 25</td>
</tr>
<tr>
<td>Aug. 26</td>
<td>Postage to &amp; from January &amp; Huston about Shingles</td>
<td>20 £</td>
<td></td>
</tr>
<tr>
<td>Apr. 12</td>
<td>Recd. of J. H. Kerr for Hay sold to pay for 30 Bus. Books</td>
<td>7 £ 50</td>
<td></td>
</tr>
<tr>
<td>Apr. 15</td>
<td>M. Gough for window Sash for old Farm House</td>
<td>4 £</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R. S. Todd for Glass for do</td>
<td>3 £ 75</td>
<td></td>
</tr>
<tr>
<td>Apr. 24</td>
<td>H. Clay Jnr. to buy paper &amp;c.</td>
<td>3 £</td>
<td></td>
</tr>
<tr>
<td>May 28</td>
<td>Ditto do Shoes</td>
<td>2 £ 75</td>
<td></td>
</tr>
<tr>
<td>June 16</td>
<td>Recd. of Jno. D. Dillon for 1 qrs. rending [sic] 21 March</td>
<td>15 £</td>
<td></td>
</tr>
<tr>
<td>June 22</td>
<td>Paid J. Tilford for cloathing for H. Clay Jnr.</td>
<td>10 £ 31/4</td>
<td></td>
</tr>
<tr>
<td>June 24</td>
<td>H. Clay Jnr. to buy Shoes</td>
<td>2 £ 50</td>
<td></td>
</tr>
<tr>
<td>July 7</td>
<td>Postages to &amp; from January &amp; Huston about Shingles</td>
<td>40 £</td>
<td></td>
</tr>
<tr>
<td></td>
<td>H. Clay Jnr. to buy Cravats &amp;c.</td>
<td>5 £</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mc.Intire for Carriage of Shingles from Maysville &amp;c.</td>
<td>25 £</td>
<td></td>
</tr>
<tr>
<td>July 9</td>
<td>H. Clay Jnr. for expenses to Cincinnati &amp;c.</td>
<td>42 £</td>
<td></td>
</tr>
<tr>
<td>July 17</td>
<td>Recd. of Jno. Deverin on Acct. of rent (See Comth Acct. for bale)</td>
<td>50 £</td>
<td></td>
</tr>
<tr>
<td>Jul. 26</td>
<td>Paid D. Megowan for Salt &amp; Whisky for Farm</td>
<td>6 £ 371/2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>January &amp; Huston for 15000 Pine Shingles</td>
<td>39 £ 60</td>
<td></td>
</tr>
<tr>
<td>July 27</td>
<td>Recd. of Geo W. Anderson in full of rent</td>
<td>25 £</td>
<td></td>
</tr>
<tr>
<td>July 4</td>
<td>Mrs. Ellen Hart, pr hands of Thos. P. Hart, on Acct</td>
<td>50 £</td>
<td></td>
</tr>
<tr>
<td>July 10</td>
<td>Paid H. Foster for clothes for H. Clay Jnr.</td>
<td>50 £</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jno. H. Kerr, to pay for 10 Bbls Corn</td>
<td>15 £</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recd. of Jno. D. Dillon for 1 qrs. rent due 21 Ulto.</td>
<td>15 £</td>
<td></td>
</tr>
<tr>
<td>July 11</td>
<td>Paid R. Fristo for hauling Merino Buck from Maysville</td>
<td>5 £ 50</td>
<td></td>
</tr>
<tr>
<td>July 26</td>
<td>O. Keen for a Warrant of Distress vs Nicholas</td>
<td>25 £</td>
<td></td>
</tr>
</tbody>
</table>
28 Recd. of Jno. H. Kerr for Hay
sold Bowman 27
Augt. 1 Paid Mingo Stover 28 for whitewashing
corner House 8 75
2 " Jno. H. Kerr to pay for
15 Bbls Corn 22 50
Recd. of Ditto, for a Blind
Colt Sold
7 Paid Layton & Co. 29 for Brick repairs
at corner House 8 50
" Downing & Grant for paint
& oil for do 23 "
" S. Swift 30 do do 3 76
" John Jones 31 for painting on do 6 37 1/2
" Henry & Jesse 32 do do 12 87 1/2
L Young 33 for 7 pr. Shoes for
Farm Negroes 10 50

Forw. $1330 86 3/4 1020 94 1/2
1826
Dr. Cr.

Augt. 7 Amounts forward
1330 86 3/4 1036 94 1/2

8 Paid Mingo Stover for whitewashing
a Room in Corner House 50
Recd. of Jno. H. Kerr for Hay sold 10
Paid postage from Anderson
& Robert 34 10
" Anderson & Robert for 3500
Pine Shingles 8

10 " A Gibeny [sic] for repairing pavement
at corner House 8
" H. Harvey 35 for Glass &c. for do 1 44
11 " J. Pound 36 for carriage of 3500
Shingles from Louisville &c.
5 31
12 Recd. of L. Wheeler 37 in full of rent 16 25.
" J. Logue 38 do 3 50.
By Cash in full of Specie Acct. 303 52

$1354 21 1354 21

E. & O Excepted

ROBT. SCOTT

ADS. Ky LX T.
1 Richard Hawes, Jr., and Benjamin H. Buckner, proprietors of a rope walk and bagging factory. Hawes had moved to Winchester, Kentucky, in 1824 and engaged in hemp manufacture on property acquired by his wife, Hetty Morrison Nicholas Hawes, under the will of James Morrison, by deed of November 8, 1823, from Clay and others as Morrison's executors. See above, III, 735n; Clark County, Deed Book 20, pp. 22-25. The Haweses on July 26, 1833, transferred the property to Buckner. Clark County Court, Deed Book 26, pp. 213-14.
2 Clement G. Calloway, not further identified.
3 Kentucky Hotel.
4 Washington. The check has not been found.
5 Hugh Blair, Edinburgh minister and professor, had published Lectures on Rhetoric and Belles Letters, in numerous editions ranging from 1783 to 1860.
6 No rental agreement with Anderson has been found.
7 Cf. above, Memo to Scott, July 6, 1825.
8 Cf. above, Clay to Crittenden, August 22, 1825, note; Mazureau to Clay, September 19, 1825.
9 Cf. above, Rental Agreement, June 21, 1825.
11 The firm of "Tanners and Curriers," located at the corner of Main and Main-Cross (Broadway) Streets in Lexington was listed merely as "Logan, A. & Son," in J. Winston Coleman, Jr., Lexington's Second City Directory, Published by William Worsey and Thomas Smith for the Year 1818 (Lexington, 1953), p. 11. Archibald Logan appears to have had only one son, Joseph.
12 Charlotte Mentelle. Susannah Hart.
13 Archibald Logan appears to have had only one son, Joseph.
14 Esther Montgomery Morrison.
15 Probably John Kirkpatrick, born in Ireland and for many years a resident of Lexington.
16 See above, Rental Agreement, September 14, 1825.
17 Nelson Nicholas.
18 Not identified. Probably a Shannon has been found.
19 Probably Hugh Foster and John V. Varnum, the latter being a young man, of age 26, who within the next decade moved to Louisville.
20 Probably Andrew McClure, a young merchant of Lexington.
21 Michael Gough, Lexington joiner and builder.
22 Not identified. Balance—see above, August 8, 1826.
23 The Fristoe family, of Virginia background, had been early settlers of Mason County, Kentucky. R. Fristoe of the 1820's not identified.
24 Not identified. Thomas K. Layton and the Reverend Stephen Chipley were partners as brick makers and layers until Layton's death in 1840.
25 Stephen Swift, Lexington grocer.
26 Neither has been identified. Leaving (Leaven) Young.
27 Lexington Negro, a painter.
28 Thomas Anderson and Sanderson Robert, engaged in auction and commission business, formerly in Lexington, removed to Louisville in January, 1826.
29 Probably James Pound, of Jefferson County, Kentucky, a farmer, residing on Taylorsville Road in 1840.
30 Leonard Wheeler.
31 Lexington Negro, a painter.
32 Neither has been identified. Leaving (Leaven) Young.
33 Probably James Pound, of Jefferson County, Kentucky, a farmer, residing on Taylorsville Road in 1840.
34 James Logue. No rental agreement with him has been found.

Account with Thomas Smith

<table>
<thead>
<tr>
<th>Hon. H. Clay in A/c. with T. Smith</th>
<th>[ca. August 12, 1826]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ds.</td>
<td>Cents</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>1825</td>
<td></td>
</tr>
<tr>
<td>Decem: 21</td>
<td>To adv. Chy. Notice vs Wagnon &amp;c⁴</td>
</tr>
<tr>
<td>3</td>
<td>00</td>
</tr>
<tr>
<td>1826</td>
<td></td>
</tr>
<tr>
<td>Mar. 3</td>
<td>To Cash Paid H. Clay, Jr.</td>
</tr>
<tr>
<td>&quot;</td>
<td>4 00</td>
</tr>
<tr>
<td>&quot; 10</td>
<td>To do &quot; Do.</td>
</tr>
<tr>
<td>&quot;</td>
<td>2 00</td>
</tr>
<tr>
<td>&quot; 15</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>.50</td>
</tr>
<tr>
<td>&quot; 29</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>1 00</td>
</tr>
<tr>
<td>Apl. 8</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>2 62</td>
</tr>
<tr>
<td>&quot; 13</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>1 00</td>
</tr>
<tr>
<td>&quot; 24</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>1 00</td>
</tr>
<tr>
<td>&quot; 30</td>
<td>To do &quot; Do</td>
</tr>
<tr>
<td>&quot;</td>
<td>3 00</td>
</tr>
<tr>
<td>May 17</td>
<td>To Order of Court Dallam vs January²</td>
</tr>
<tr>
<td>&quot;</td>
<td>3 00</td>
</tr>
<tr>
<td>June 1</td>
<td>To Cash Pd. H. Clay Jr.</td>
</tr>
<tr>
<td>&quot;</td>
<td>1 00</td>
</tr>
<tr>
<td>&quot; 26</td>
<td>To adv. Corner Dwelling to let³</td>
</tr>
<tr>
<td>&quot;</td>
<td>4 00</td>
</tr>
<tr>
<td>&quot; 27</td>
<td>To Cash Pd. H. Clay Jr.</td>
</tr>
<tr>
<td>&quot;</td>
<td>6 06</td>
</tr>
<tr>
<td>&quot; 30</td>
<td>To do &quot; do</td>
</tr>
<tr>
<td>&quot;</td>
<td>.50</td>
</tr>
</tbody>
</table>
My dear Sir,

I hope this letter will find you in Washington and that you have found in exercise and relaxation from business, an improvement in your health. Unless the roads in Ohio have been improved since I passed over them you must have suffered much from fatigue on that part of your journey. If the last Session had been spent in plans for improving the roads through the States where the opposition has been the most violent the time of members would have been better employed than it has been.

The two subjects which engrossed the public attention for some time have been the destruction of the Janizaries and the creation of a Representative Government in Portugal. The Sultan appears, contrary to the general expectation, to have gained a complete victory, and the organization of his troops à l'European goes on without opposition. The powers interested in finding in Turkey a counterpoise to the influence of Russia are highly gratified at this result. The friends of the Greek cause see in it increased ground of apprehension; and fear that this unfortunate people may after all their efforts sink into their former state of degradation. Their

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D. DLC-TJC (DNA, M212, R16).

1 In Fayette Circuit Court, September Term, 1825, Clay had brought suit against William Lytle and John P. Wagnon, in chancery, to clarify title to the stable lot (see above, I, 349). The defendants, being non-resident of Kentucky and not appearing in court, were given until the following February to answer. Public advertisement of this action ran in the Lexington Kentucky Reporter from October 17 to December 19, 1825.

2 Cf. above, Receipt from Richardson, July 31, 1826. On July 9, of the June Term, 1825, Dallam had filed a bill of revivor in relation to his suit, originally instituted against Thomas January, and now against January's heirs. These included William and Eliza Rector and Matilda January, who, not being inhabitants of Kentucky and failing to appear as directed at the September Term, 1825, had been given notice to answer at the February Term, 1826. Fayette Circuit Court, Civil Orders, vol. 3, pp. 484-85; vol. 4, p. 94. Advertisement of this order, also, had run in the Lexington Kentucky Reporter from October 17 to December 19, 1825.

3 Robert Scott had advertised "The 3-story DWELLING, fronting the old market place, north of the Court House," in Lexington Kentucky Reporter, March 6-April 24, May 29-June 26, 1826. Cf. below, Rental Agreement, August 8, 1826.

4 Not found. Cf. above, this document, note 1.

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From J[ames] B[rown]

My dear Sir,

Paris Augt. 12. 1826

The two subjects which engrossed the public attention for some time have been the destruction of the Janizaries and the creation of a Representative Government in Portugal. The Sultan appears, contrary to the general expectation, to have gained a complete victory, and the organization of his troops à l'European goes on without opposition. The powers interested in finding in Turkey a counterpoise to the influence of Russia are highly gratified at this result. The friends of the Greek cause see in it increased ground of apprehension; and fear that this unfortunate people may after all their efforts sink into their former state of degradation. Their
last hope is in the efforts of Lord Cochrane who, we have just heard, had arrived at Corfu [sic] with a considerable force. The subscriptions increase in amount and are raised in almost every part of Europe.

The Portuguese Constitution will be not merely acquiesced [sic] in but received by a great majority of the Nation with enthusiasm. This state of public feeling there is not very agreeable to many of the Statesmen of Europe. It is feared that the example will be dangerous to Spain & that another insurrection may break out in that unhappy Country. If the Spanish people resembled those of any other portion of Europe this might perhaps be the result. They however bear misery and oppression of every description with an inconceivable degree of fortitude or apathy, and consequently no one can conjecture how long they may remain in their present Condition.

This country is the theatre of violent Theological Controversy. The controversies of Jesuits and Jansenists are renewed and are increasing daily in virulence— The Jesuits I think are as firmly established as they were in the 17. Century and all the efforts of their enemies to expell [sic] them will be unavailing— But two years ago and all the Ministerial papers denied that a single Jesuit existed in France. It is now acknowledged in the Chamber of Deputies that they have been tolerated for several years, and it is proved that they already hold or dispose of most of the important offices under the Government. Many of the most eminent Lawyers have united in an opinion that the ordinances banishing this order from the Kingdom are still in force, and requesting the Courts to see that they are executed. The Courts can only hear the accusation on the motion of the Attorney General and it is supposed the Government would not permit him to prosecute.

Mrs. Brown has written to Mrs. Clay— By the Ship which will sail on the 25. I shall send you an account of what your articles cost, and a Bill to meet what you have in my hands.

I am Dear Sir very truly Your obed Servt.

J. B.

ALI. DLC-HC (DNA, M212, R2). 1 See above, Moore to Clay, June 20, 1826.
2 See above, Brent to Clay, July 10, 21, 1826. 3 Mahmud II.
4 Cf. above, Middleton to Clay, April 21, 1825, note.
5 Cf. above, Brown to Clay, September 13, 1825, note.
6 For funds to aid the Greeks.
7 Cf. above, Brown to Clay, October 29, December 12, 1825; May 10, June 25, 1826.
8 See above, Clay to Brown, May 22, 1826.

Receipt from Susannah Hart

12 Aug. 1826.

Recd. of H Clay one hundred dollars on a/c of the Board of Thomas Hart, son of Capt. Hart. SUSANNA HART
From Christopher Hughes

My dear Sir,

PRIVATE.

Brussels; August 12th. 1826

If I have not written to You; during the last 2 weeks, it has really been because I have had nothing to say, that could at all interest you, or be worth your time, to read my letter. I now write, more from a fear, that you might think I have become lazy; than from any other consideration! and now, that I have begun a letter, I have no news; nor any materiel [sic], to supply a subject; & I shall send you, I am sure, a very dull epistle.

As I have informed you, I arrived here, on 17th. June; I went to the Hague; was very courteously received by the King, society and corps diplomatique; I remained there a fortnight; and as I know of but one way of getting real information, on any subject and as I felt anxious to be correctly informed about the real footing of our trade and treatment, in the ports of this Kingdom, and plainly perceived, that the Minister of Foreign affairs, was himself, but loosely acquainted with the subject, I thought it as well to devote a day or two to a visit to Amsterdam, & mix a little with the practical men; and I did so; I found one or two very communicative & intelligent merchants there; and I think I have succeeded in getting a very correct, summary view, of the real facts; and am satisfied, that the footing of our trade, in this country, is not merely as bad, and as unequal, as you supposed it to be, from our conversations, and your notes to Chev. Huygens, last winter; but a great deal worse. I shall have the honour to make you a report on this subject, in a very few days! And I feel authorized in saying, that you may look on my data, as sure & authentic.

The Minister of Foreign affairs, though an old diplomatic employé of this Government, and a very clever and amiable man, has but very lately come into his present elevated place, and into power! He has not had time, to inform himself, of the innumerable details and questions connected with his department; and, whatever well founded importance we may give to our concerns with this country, yet they seem to be regarded by him, as secondary matters! and so would they be, by any other new minister, incumbred [sic] as he has been, by anxious and difficult points of conterminous politicks;— (id est—his Rhine discussions with Austria:) and having, as he has, a european reputation to create! In a word, I found him quite green on our relations; and rather inclined to give too high a tone to the influence and consequence of his own Government; as if the
party most effective, and most to be consulted, was on his side, and not on our side, of the Atlantic! The fact is, they have all gone mad here, since a few years, on questions of commerce; and have fallen into the erroneous persuasion, that it is only necessary to accumulate a great mass of capital, to be able to control the movements, the march, and the interests of Trade; and that because the king has become a Partner in what they call, their "Royal commercial Company," and some of their wealthiest commercial men, have given up their old & respectable private establishments, & assumed its direction, they have thereby made a monopoly of all the commercial wisdom of the world, and may control & direct, the course and destinies [sic] of Trade, in its most extensive view and operations. Their "commercial Company" has done nothing but make one blunder, after another; & their stock has fallen enormously; but still they have blinded & mystified the Government; for the Government is one of the principal partners. This control, stupid in its origin & baneful in its effects, affects, injuriously, all questions of trade; even with those Countries with which the "Commercial Company" has no direct transactions; it has none with U. S. but it is consulted, and its opinions are followed, on all occasions; it is a sort of Chamber of Commerce, and its doctrines are espoused and followed! And there is no resisting its dogmas! If it counsel any measure, however unwise & unjust, even to the sacrifice of all our trade with Holland, I have no doubt, that the advice would be followed, until the experience of years would prove its perverseness! For nothing but experience will satisfy people, who start with the pretension of being wiser than all the rest of the world. From all this, I mean to infer, that the moment seems to me, not to be a favourable one, to press any change, or insist upon any reform in their system towards Us! We may be right, & we are right; we have justice on our side, & we only ask, that they should grant us, in reality, what they have pledged to give us; & what we, on the pledge of their faith, and in our reliance upon it, do actually give them; to wit; fair, unqualified reciprocity! But I am inclined to fear, that if we insist upon it, we will not merely lose what we enjoy, but bring upon us a much harder treatment; and we shall finish, by bringing round such a struggle, as will entirely destroy our trade with this country! The ground they take is this.—

"Our ships will not go to the American ports; your tariff keeps out our products; you sail cheaper, and faster than we can; you make two voyages, for our one! Some 12 or 15 Dutch ships go to U.S; whereas, some 200 Americans come here; they will continue to come here; we may double our imposts, still they will come! Germany gets her tobacco from our ports; the Americans know this;
they have got the tobacco trade so completely into their channel, that they will not change! Your unfriendly change, if you make it, will affect some 12 or 15 dutch Ships; our reprisal, will affect 200 of yours! We have nothing to fear."

However shortsighted this view of the question may seem, still it is the view they take of it; and I know, that the most respectable American Merchants, in this country, tremble with apprehension, at the effects that may be produced, by our changing the footing of the dutch trade, in our ports! They admit, at the same time, that we are ill treated; that we do not get, what we grant; and that it would be just to visit the conditions of the act of 7th. Jan'y. 1824, upon this Country; but they doubt whether, it would be wise! "for," say they, "there is nothing to be done with this Government."

I have thought it my duty to give you the foregoing view of the real state of this question, here; and of the apprehensions entertained, by the mercantile class interested in our trade! I do not pretend to say, that it ought to influence our great system of equality & reciprocity, with all nations; or that it should induce us to sacrifice, or yield, one iota of the fair & generous principles, on which that system is founded! (I leave it to members of Congress to say, "predicated.")

As to the advantages granted to their ships, in case of export, & the monopolies of Salt, & of some other articles, this Government, & the merchants in general, of this county [sic], say, "it is a mere bounty; it affects all foreign nations, as well as the americans; none has a right to complain; no one is favoured, at the expense of any other; it is a mere family indulgence and so on;"—

I have written without looking back, or copying my letter!— I have headed it "private"; you will receive it with indulgence; it is merely a repetition of the amount of my despatch, No. 1!— One of my late letters mentioned that you had been lately indisposed! I hope you will have had some repose, since the Session; & that relaxation & country air, will re-establish your health! I sincerely hope it! We have heard of the death of Mr. Adams; at 92 full of honour, fame & virtue, such an event, is one of solemn feeling, but not of lamentation. We beg to be remembered to Mrs. Clay!

I am, my dear Sir, truly Your friend, CHRISTOPHER HUGHES.

To Henry Clay Esqr. Washington!

ALS. DLC-HC (DNA, M212, R2).

1 Cf. above, Hughes to Clay, July 11, 1826.
2 William I. 1
3 J. G. Verstolk van Soelen.
4 Above, December 10, 24, 1825.
5 No report has been found.
6 See above, Hughes to Clay, July 16, 1826, note.
7 See above, Shillaber to Clay, February 27, 1826, note.
8 See above, Lorich to Clay, March 16, 1825, note.
9 Above, July 11, 1826.
10 See above, Brent to Clay, July 12, 1826, note.
Receipt from John H. Kerr

I acknowledge to have recd. of H. Clay my wages in full as his overseer for the year 1825 and also the Sum of forty three dollars and seventy five Cents on a/c of my wages of this year, which we have fixed at one hundred and fifty dollars, and for the next year at one hundred and seventy five dollars

John H. Kerr

INSTRUCTIONS AND DISPATCHES

August 12, 1826

INSTRUCTIONS AND DISPATCHES

August 12, 1826

APPLICATIONS, RECOMMENDATIONS

August 12, 1826

INSTRUCTIONS AND DISPATCHES

August 14, 1826

INSTRUCTIONS AND DISPATCHES

August 14, 1826
France, vol. 23 (M34, R26). Received October 21. Collet not identified. The United States maintained no consulate at Calais.

From ROBERT W. FOX, Falmouth. Notes that the wheat crop of the region is abundant, production of barley and oats is deficient, and the mines are depressed. LS. DNA, RG59, Cons. Disp., Falmouth, vol. 2 (M-T202, R-T2).

From CHRISTIAN FREDERIC GOHRING, Leipzig. Acknowledges receipt of his commission, enclosed in Clay's letter of June 20; requests a change in the wording of his appointment from "for Leipsig in Saxony" to "for the Kingdom of Saxony"; points out "that but very few of the manufactures of Saxony exported to the United States are produced in this town." ALS. Ibid., Leipzig, vol. I (M-T215, R1). Date obscured; dated by clerk, "14 Augt. 1826." Received October 14. Endorsement by Clay (AE): "Mr. B[rent]. will prepare a letter to the Consul acknowledging the receipt of his, and stating that our usage is to appoint Consuls for particular places, and not for Countries, and that his Consular functions nevertheless extend to all parts of Saxony, at which there is no American Consul." A copy of Brent's reply, as directed, dated December 6, 1826, is located in DNA, RG59, Cons. Instr., vol. 2, p. 409 (M78, R2).

INSTRUCTIONS AND DISPATCHES August 15, 1826

From JOHN RAINALS, Copenhagen. Encloses a copy of his dispatch of August 11 (not found), the original of which was sent by (John A.) Dix, who left that day to take to the United States "the Treaty of Friendship, Commerce & Navigation, ratified by the King of Denmark [Frederick VI]"; encloses also a letter from Count (Ernst H.) Schimmelman to Clay (not found) and a copy of a letter from Schimmelman to Rainals; notes that he was not authorized to take up the subject of claims; reports on movement of the Russian squadron from Kronstadt into the North Sea. ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received September 30.

DIPLOMATIC NOTES August 16, 1826

From STEEN BILLE, Washington. Reports his arrival; states that, as consul general, he will reside in Philadelphia but will come to Washington to present himself on Clay's return to that city. ALS. DNA, RG59, Notes from Danish Legation, vol. I (M52, R1).

INSTRUCTIONS AND DISPATCHES August 16, 1826

From R[EUBEN] G. BEASLEY, Havre. Reports having "been informed that the high duty has been demanded on several Cargoes of Cotton by [sic] Vessels which have merely touched on the other side the Channel for orders to have the advantage of the best market"; declares that "the Cargo remaining intact it has been the usage of Trade to consider the voyage direct"; encloses copies of a letter from the director general of customs and of a bill of lading; notes the favorable treatment which has been accorded vessels arriving in Liverpool under similar circumstances; states his belief that the (French) Government will not approve "the construction placed on the Convention [of 1822; see above, III, 53n] by the Customs"; and adds that he has "written to the Minister [James Brown] upon the subject. . . ." ALS. DNA, RG59, Cons. Disp., Havre, vol. 1 (M-T212, R-T1). Received September 29.
From John J. Crittenden

Frankfort August 17th 1826

Dr Sir,

You are apprised I beleive [sic] that my brother Thomas T Crittenden & brother in law Harry I Thornton,¹ are both living in the State of Alabama,— They are both succeeding very respectfully in the practice of the law. A letter received this morning from the latter, informs me of the death of Mr. Jones,² U. S, District Atty: for North Alabama, & of the wishes of my brother Thomas, to succeed to the vacant office³— I have no doubt of his competency, & I feel a great anxiety that he should receive the appointment— You will very much oblige me by mentioning his pretensions favourably to the President, if you can do so consistently with your sense of duty. Accept assurances of my sincerest esteem Yr’s &c

Hon: H, Clay Secty: &c

J, J, CRITTENDEN


¹ Crittenden's sister, Lucy, had married Harry Innes Thornton, born in Virginia and reared in Kentucky. They had moved in 1821 to Huntsville, Alabama, where Thornton achieved distinction as a lawyer and, from 1834 to 1836, judge of the State supreme court. They later removed to Mobile and still later to Eutaw, from the latter of which districts Thornton was elected a State senator in 1840. He received Federal appointment as a land commissioner in California from 1851 to 1853.

² Francis Jones.

³ Thornton, not Crittenden, received the appointment and held the office until 1829. Cf. below, Crittenden to Clay, September 27, 1826.

An undated endorsement by John McLean to the Department of State, attached to a letter from Thomas T. Crittenden to McLean, dated August 6, 1826, had also brought to Clay's attention the desire of Crittenden for appointment to the Northern District of Alabama. Copy, in MHi-Adams Papers, Letters Received (MR477).

INSTRUCTIONS AND DISPATCHES

August 17, 1826

From [Robert Monroe Harrison], Antigua. Cites the arrival of a British vessel bringing a cargo of corn from France and the expectation that others will follow; notes that the British Government calculate that in the supplying of the Colonies with that article, they have at last found a party that can fairly compete with the U. S.; accuses the British Government of wishing to injure the United States, "whose commercial enterprise, as well as growing power, creates the greatest inquietude and Jealousy in that Government who can never forget that we were once her Colonies!!!" Comments on the importation of lumber and the production of food on the island and refers to a recent "order of Council" permitting the importation of grain, flour, and certain other products by French vessels "at less than one half the duties paid by American vessels." ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received September 10.

MISCELLANEOUS LETTERS

August 17, 1826

From Robert Crittenden, Little Rock (Arkansas). Requests a leave of absence, "for sixty days from the 15th of November," to enable him to close his account; considers "It . . . essential that it should be closed before" his
From Christopher Hughes

My dear Sir,

Private: Brussels; 18th. August; 1826

I wrote you a long private letter, a few days ago. I have nothing very important to communicate to you, at present. All the world seems to be quiet; though the political circles are very much occupied with three subjects— The portuguese [sic] Constitution— The Russian Conspiracy & the distresses among the ‘operatives’ in England.

As to the Portuguese Constitution, it has proved a complete poser to the high-crested Holy-allies & their agents! They do not know what to say on the occasion. “The King has granted,” seems to be so completely in accordance, with all their own doctrines, and with the system they have been labouring since 1814, to fix upon the people, and upon the world, that they are quite obfuscated by this most thorough and unlooked for act of Dom Pedro’s! And I have not the least doubt, that nothing but the dread of England, prevents some forcible measures being adopted, to controul & to compel Portugal, as has been done with Spain, to come back to the old system of despotic Government. You would be amused to see the dismay and confusion that this event has introduced into the holy-ranks.

The Russian Conspiracy was much more deep & serious than is generally believed; I take it for granted, that you will see a report of the Commission; it has been bought up & read with eagerness, all over Europe. We may judge of the gravity of this plot, by the extensive revelations that have been made, by this publication; & we may conclude that much has been kept back, with all this air of candour, in giving the account to the world; we may judge still more of this, by the undoubted terror that was, & is, felt by the Russian Imperial family.

The misery among the working people in England and Ireland admits of no exaggeration [sic]! it has, perhaps, never been, at any time, so great as during this summer, & at this moment.

I fear we shall have bad news about our own manufacturing establishments & Capital; the English will undersell us! and we cannot help it; of course, our manufacturing enterprisers will suffer, & I fear we shall receive bad accounts of them. —In addition to this, I look with regret, & anxiety, at the menaced obstructions to our trade with the British West India Colonies! You will have seen the Courier of the 14: or 15th. of this month!--
August 18, 1826

It is believed, that the discussions & disputes between this Government & Austria, about the right of control over the Navigation of the Rhine will soon be settled à l'aimable! This Court has shown great spirit & firmness in treating this question, & in resisting the rather uncourteous & offensive inuendoes [sic] of Prince Metternich! Lord Wellington is expected here, every day, to visit the fortifications, & to give, as say the Belgique opposition papers—“his annual certificate of the Independence of this nation.”—You will have heard of Joseph Bonaparte’s having obtained leave to visit this part of Europe, to see his family; I understand, that he is required to land at Hamburg, & limited to a 5 months séjour at Brussels! This proceeding of Joseph Bonaparte, is thought to be very ill-judged & not too dignified. I know, that a similar application, made by him, in 1824-5, was rejected, at the instance of the King of Naples! The Emperor Alexander gave it his support, & was willing to gratify Joseph Bonaparte & to please the King of Sweden.

I have had a visit from George Calvert & his very nice daughter, & he quite amused me with his account of John Randolph’s behaviour on board Ship; some of the stories, however, were very disgusting: for example—Randolph said, at table, (& there were several Lady passengers:) “I wonder if there ever was a young Lady, who did not long for the pains & perils of childbirth?” Miss Calvert was at table! her Father says he was not; “on another occasion (says Calvert to me) by way of having a pretext for abusing Mr. Clay & Mr. Adams, he told before all the Ladies, all the circumstances of H. L.s debauching his wife’s sister—getting her with child—making away with the child—&c. &c. &c; dwelling on the details.” Calvert took him severely to task, and told him, that he would not suffer his daughter to be at table, or where he was; nor would he permit any repetition of such conversation; Calvert spoke to him, in the plainest manner. So Mr. Beck of Philadelphia, another Passenger, told me.

Mr. Beck said, that Randolph asked one day for a late date of the Nat. Intelligencer; Mr. Beck selected the latest from a heap of papers, & offered it: “Where did you get that paper Sir?” asked Randolph. “Out of that pile on the table.” “Those papers are mine, Sir, & who gave you a right to touch my property?” I thought I was rendering you a polite service & did not know, that the papers were yours.”—“I want none of your services, Sir? [sic]” said the Courteous Prester John! He then seized up the papers—found some paragraph mentioning your & Mr. Adams’ name [sic] & threw them, in a rage, overboard; (out of the Cabin Window:) In a word, he was drunk & bawdy every day & night, upon Brandy & Water (or as Calvert said, Water & Brandy:) & Whisky Punch! Mr. Beck told me, that
Randolph went upon deck at 12 at night, & asked the officer of the Deck, “if he could sing?” And He & the Mate began singing. “The Captain went up; requested Mr. Randolph to stop, & said, that he allowed no one to speak to the officer having charge of the Ship; & certainly no singing at that late hour, when the passengers were all retired to Bed! Randolph answered rudely; & the Captain ordered him to leave the deck & go below! Randolph took out his knife & swore he would kill the Captain, if he touched him. In a word, he behaved like a brute or a madman, during the whole voyage! he wrote & handed a letter to Messrs. Brown's, owners of Ship, protesting against the Captain &c &c. &c. Messrs. B. returned the letter saying that the Captain had been 8 Years in their employment, & they knew him to be a most respectable man, & could give no attention to such statements against him. Rand.[s] chief companion at Lpool, was a Captn. deCost! He sent an apology to the Ladies for his indecencies—but—he said—“Shakespear & the Bible must be written over again; the Ladies of our day, are too modest & refined to hear their present language!— He made over all his speeches, on board Ship; & boasted of his having given Mr. Loyd [sic] a complete dressing! In a word, a Book might be written describing his absurdities, impertinences & indecencies! But I suppose, this cold-blooded-wretch will be allowed to go back & insult the Country & degrade the Senate, next Winter, as he did last, & it will all be permitted & passed over, merely because the Crapulous Caitiff has the faculty to say severe things & the heart to say any thing!— I understand that he has a project of visiting this country; I hope he may not realize it. The weather has been dreadfully hot here; & my children have become very thin & pale; they both go to School, & it is now Vacation; & we intended to give them a little Country air; I hope, if Leather Stocking come here, He may come, whilst we are in the country! This Town is very, very dirty; there is a shameful neglect on the part of the police, in cleaning the Streets; & the Hot weather has made them stinking & disagreeable. I hope soon to hear from you! I never git [sic] any news papers; if, instead of being sealed up like despatches, a Cross slip of paper, were put over them, so as to show that they are papers, & then Sent to Mr. Beasley at Havre, He could forward them to me, by the Diligence, for a mere trifle. May I beg of your attention to this; I really long for home news. C HUGH[ES]
To Mr. Clay Washington.

ALS. DLC-HC (DNA, M212, R2).

1 Above, August 12, 1826.
2 See above, Raguet to Clay, May 6, 1826; Middleton to Clay, January 2, 7, 1826; Hughes to Clay, June 14, 1826; Fox to Clay, August 14, 1826.
3 See above, III, 313n.
4 Cf. above, Middleton to Clay, July 29, 1826.
5 London Courier and Evening Gazette. Cf. below, Gallatin to Clay, August 19, 1826.
From Joshua Pilcher, St. Louis (Missouri). Refers to Clay's letter of April 12, 1826; states that illness prevented fulfillment of his plan to spend the winter in Chihuahua and that his "pecuniary affairs" will not permit him to leave home at present; declines the appointment. ALS. DNA, RG59, Cons. Disp., Chihuahua, vol. 1 (M-T167, R1).


From Albert Gallatin, London no. 4. Reports on his first interview, August 17, with (George) Canning: he called Canning's attention to the refusal of the British Commissioner under the St. Petersburg Convention (George Jackson) to refer differences of opinion between himself and the American Commissioner (Langdon Cheves) to the arbiter, as provided by the convention, and was told that Canning "had not been aware that the British Commissioner had refused to refer in any other cases than that of interest"; to Canning's inquiry concerning settlement of "the whole subject by a Compromise," he replied that he was, as (Rufus) King had been, authorized to agree to a compromise "as
a substitute for the Convention’’ but that “any overtures of that kind must now come from the British Government.’’ Canning “finally said that the Ministers would re-assemble on the 1st of September, and that they would then determine on the best Course to be pursued on that subject,” whereupon Gallatin urged “every reason there was . . . for putting an end to the interminable delays which had already occurred.”

Turning to the second topic of his conference with Canning, states that on August 13 he had received “some intimation from Mr. [Thomas] Aspinwall of a rumor that the intercourse between the United States and the West Indies was to be suspended . . .’’ and that word of such an order in Council (dated July 27, 1826, and published in the London Courier and Evening Gazette, August 18, 1826) had appeared “in all the papers of the 15th Inst. . . .’’ Says that he had expected these reports to be the first question discussed at the conference; that because Canning had remained silent, he had been “obliged to open the subject’’; and that he had expressed “regret that such a Measure should have been adopted, and at this particular time.” Canning, terming announcement of the order at the time of Gallatin’s arrival “an unhappy coincidence,” explained it as “the necessary consequence of the Act of Parliament of 1825,’’ to which, it had been thought, Congress would respond by placing “Great Britain on the Footing of the Most Favored Nation, and in consequence the United States within the provisions of the Act”; but, said Canning, “when we were informed that a Motion to that effect had been rejected, We had no alternative left but to carry the Act into effect.” Gallatin pointed out that “Whatever might have been the Motives of the Senate for rejecting or postponing the Motion to which Mr. Canning alluded, it was unquestionably true that the Administration preferred an arrangement by Treaty, to an act of Congress complying with the requisites of the act of Parliament’’; Gallatin “added that the time selected for the suspension of the intercourse, the 1st of December next, was also unfortunate’’; and, finally, Canning stated that (William) Huskisson and (Henry U.) Addington would be available to open the negotiations after the beginning of September.

Notes that in the discussion of the order in Council his “object was . . . to let it be understood, that we did not attach such an immense Value to the intercourse with the West Indies as to be diverted from the Course previously determined by Government; and at the same time to draw from the Measure the advantage of an earlier Negotiation, than probably would otherwise have taken place.” “Whatever may have been the object of that Measure,’’ he continued, “it will in every respect operate at least as Much, I should hope More on Great Britain than upon America. If they care at all for an intercourse between their Colonies and the United States, the failure of a Negotiation, after the step they have taken, will be more fatal to them than to us. Yet the order in Council is framed in a much more unfriendly spirit, than I had reason to suppose from the explanation given by Mr. Canning.’’

Discusses “two distinct authorities’’ with which “the British Administration was invested,’’ and adds: “Both Authorities have been resorted to in the order in Council of the 27th of July last, by extending the time of the intercourse in American Vessels till the first of December next, after which it is to cease altogether; and by laying in the mean while, and until the said first of December, an additional duty on the American Vessels thus employed, considered as equivalent to the discriminating duties laid by the United States on British Vessels coming from British Colonies. Now it is clear that, this last duty being, so far as I am Informed, the only ground of Complaint on the part of the British, the only act on the part of the United States, whereby they had failed to place British ships on the footing of the most favored Nation, the
Countervailing duty, actually laid by the order of Council, was sufficient, even in the View of the subject taken by the British Government, to place the Vessels of both Countries, employed in that intercourse, on a footing of perfect equality. It being admitted that the intercourse was mutually advantageous, no motive can be assigned, at least I can perceive none, for the total suspension of that intercourse, but an intention to force the United States to accept the conditions laid down in the Act of Parliament of July 1826 [sic], in an absolute manner and without any modifications whatever. At all events, the Verbal explanation given by Mr. Canning proves to be altogether unsatisfactory. It is possible that he may not have been himself aware of all the details to which I have now alluded, and of the unfavorable inference which might be drawn from the Measure. It is certain that there were some details connected with the System to which it appeared that he had not attended; and the general tenor of his conversation was friendly, and evinced a Wish that most of the subjects of difference, and particularly this, might be adjusted by an amicable arrangement.

“You will perceive that the order in Council does not suspend after the first of December next, the intercourse with the British Colonies of North America, but lays the additional or countervailing duty, whether the importation be by Sea or by Inland Navigation. It is therefore probable that the British Government has, in that respect acted on the presumption that the United States had laid their discriminating duty on the importation made from Canada by inland Navigation in British Boats or Vessels. I was under the impression that no change had taken place in that respect, and that we continued, as was the case before the War, to exempt from that duty the British Vessels thus employed, and the importations made in that manner. I request to be informed on that point. It is difficult in the mean while to discover the true reason why the Government of this Country has thought proper to make any discrimination, and to suffer the intercourse between their Northern Colonies and the United States to continue after the first of December next.”


The statements of Canning and Gallatin concerning rejection of a motion in the Senate refer to action on a memorial of certain Baltimore merchants, ship owners, and manufacturers, who had petitioned that discriminating duties on British colonial vessels be abolished and that “British vessels, from whatever ports, [be admitted] on the same terms as the vessels of the most favored nations.” The Committee of Commerce, to which the petition had been referred, had reported on March 31, 1826, that, in view of negotiations under way between the United States and Great Britain, “it is not expedient at this time, to legislate on the subject. . . .” (Samuel) Smith had argued that Congress should act to meet “the very liberal offers of Great Britain, made by her act of Parliament of the 27th June, and her two acts of 5th July, 1825.” (James) Lloyd, opposing this point of view, had maintained “that both the President and Secretary were decidedly of opinion, that, after ten years unavailing efforts by legislation, and when the subject was now under diplomatic discussion between the Governments, with the hope, if not expectation, it would come to issue before the next meeting of Congress, it would be wiser and better to leave the attempt to be made to adjust it upon fair and equal principles, by convention, than to surrender at once the whole game; give to the British a carte blanche; take away all the offsets we have to offer, and admit them into our ports precisely on the same terms as our own vessels, or those of the most
favored nation are admitted, while they placed the admission of our produce into their ports, on terms so disadvantageous as to give a full freight, and beyond it, to the like articles, when imported into the West Indies from elsewhere . . . and have excluded altogether some of the principal staples of some of the States—the salted provisions, the fish, and other minor articles."

The request of the Committee to be discharged from further consideration of the matter had been granted, but the subject had then been referred to the Committee on Finance. On April 19, the latter committee had proposed a bill stating that no higher duties or charges of any kind should be levied upon goods from certain enumerated free ports of the British colonies when brought into the United States in British vessels than were exacted when the goods were imported in American vessels, provided that the act should be suspended if discriminating duties were levied against vessels owned by Americans entering the British colonial ports. The bill had been tabled on May 13, by a vote of 16 to 14. *Register of Debates*, 19 Cong., 1 Sess., 576-90, 709.

The British had, in fact, enacted on July 5 five laws encompassing their new program of trade regulation. The two to which Smith referred were probably 6 Geo. IV, c. 114, discussed above, Rush to Secretary of State, March 26, 1825, note, and c. 105, which provided for a general repeal of prior customs legislation, effective July 5, 1826. An important section of c. 114, which Smith recognized as occasioning a need for prompt congressional action, was Article IV, wherein the British extended the privilege of direct trade with the West Indies "to those Countries which . . . , not having Colonial Possessions, shall place the Commerce and Navigation of this Country [i.e., Britain], and of its Possessions abroad, upon the Footing of the most favoured Nation, unless His Majesty by His Order in Council shall in any Case deem it expedient to grant the Whole or any such Privileges . . . , although the Conditions aforesaid shall not in all respects be fulfilled by such Foreign Country."

The British Order in Council of July 27, 1826, excluded American vessels, effective December 1, 1826, not only from British West Indian ports but also from British possessions "on the Continent of South America; and so far as respects the Bahama Islands, and the Bermuda or Somer Islands; and so far as respects His Majesty's Settlements in [sic] the Island of Newfoundland, and the several Islands belonging to and dependent on those Settlements. . . ." *British and Foreign State Papers, 1825-1826*, p. 367.

**MISCELLANEOUS LETTERS**

August 19, 1826

From Peter Care, Jr., Philadelphia. Inquires concerning charges on American vessels trading to Cuba; states his understanding that the tonnage duty was to be "$1 . . . per ton according to treaty"; requests a reply by return mail. ALS. DNA, RG76, Misc. Claims, Spain. Care, not further identified, signs as master of the Antelope.

From John Green ("the Younger")

Dear Sir

Danville 20th August 1826

As your friend I feel it my duty to apprise you of a matter which, although it does not come within the line of your official duties, will in all probability be productive of dissatisfaction towards the Administration—a full portion of which you may have to bear. The
Trustees of the Assylum [sic] for teaching the deaf and dumb, have, at an expence they were illy able to bear, caused the land granted by Congress to the Institution, to be located in Florida, under instructions from the Treasury department.

Greatly to the surprise and mortification of the Board, the Secretary or rather one of his under officers has thought fit to disapprove of most of the locations—assigning for cause that they have not been made agreeable [sic] to the instructions given by that department to the agent of the Board—and thus are the high hopes of the friends of the Institution, cut off by the decision of an under officer. They will not be satisfied by being told that the construction given by that officer to the directions to the agent is correct— If the agent has not adhered to the letter he has certainly complied with the spirit of his instructions: And as the whole matter was submitted to the discretion of the Secretary, a reasonable portion of good will towards the Institution it is thought would have produced a different decision: But it is the opinion of several distinguished men here (one of whom is Judge Boyle) that the locations are in strict accordance with the instructions of the Secretary. This opinion is confided in here, and a sentiment is growing up that we are treated neither kindly or justly—and individuals are not wanting to insinuate that the interests of the institution and the benevolent intentions of Congress are thwarted to gratify a few Florida squatters and speculators—With one other fact as a data [sic] you can draw your own inferences The gentleman who was most instrumental in procuring the passage of the law, acquired great eclat among the common people on the occasion; and if he were your enemy, he need not desire a more effectual means of injuring you than to tell them that you sat by with indifference and saw your state deprived of the benefits of the splendid donation which Congress, through his exertions, had bestowed upon her.

I know nothing of the etiquette which prevails among you gentlemen of the Cabinet But if it would not be improper for you to do so, many of your friends here would be highly gratified if you would interest yourself in this matter and procure from the Secretary a reversal of the decision of the under officer.

The Board would be content to have the locations of their agent confirmed subject to the claims of the squatters or occupants; provided that the agent be allowed to locate other lands in tracts similar in quantity to those which will be taken out of our present locations by the occupants—But you may rest assured that unless this indulgence is granted, the benevolent intentions of Congress will be almost entirely defeated and we may not in five years be enabled to realise the money already expended—from which mortifying result may your good genius deliver us.
It was my wish to have waited on you when in this country, but my own affairs about that time required my particular attention—Our worthy Governour & Co succeeded in bring [sic] out an old court man in Rock castle against me The Reliefs of Lincoln, almost to a man sided with him and gave me a prodigious [sic] chace [sic] to the old and well known song of Green & Biddle which if I mistake not was first set to musick by yourself— However as Kendal says "I am elected and that is enough"— and if the Lord spares me I will not be unmindful of any of the favours which our gracious Governour has heaped upon me—

Wishing you better health, and all possible success I remain dear Sir with high regard your friend

John Green

ALS. DLC-HC (DNA, M212. R2). Addressed to Clay at Washington; endorsed by him: "... Answd. 29 Sept." The answer has not been found.

1 Earlier in the year Congress had enacted legislation (approved April 5, 1826) granting "to the incorporated Kentucky Asylum for teaching the deaf and dumb, one township of land, excepting section numbered sixteen, ... to be located under the direction of the Secretary of the Treasury; which lands shall be, and for ever [sic] remain, to the use of said asylum ...; or, if said asylum shall sell said land, ... the money arising from such sale shall be, and remain forever, to the same use: And it shall be the duty of the said corporation to sell the said lands within five years from the passage of this act, and the same shall be located in one of the territories, on lands to which the Indian title has been extinguished." 6 U. S. Stat., 339.

The Reverend Samuel K. Nelson, Presbyterian pastor of Danville, Kentucky, and agent of the institution, had then undertaken to locate the land in the Territory of Florida. Cf. Birney to the Secretary of the Treasury, April 15, 1826, in American State Papers, Public Lands, V, 478-79.

2 The disapproval had been made known to Nelson in a letter directed to him by George Graham. June 26, 1826. Ibid., 483.

3 John Boyle.

4 Congress had complicated matters by passage of a bill (approved April 22, 1826) giving pre-emption rights to persons who, before January 1, 1825, "did ... actually inhabit and cultivate a tract of land situated in the territory of Florida, which tract is not rightfully claimed by any other person." 4 U. S. Stat., 154-55.

5 Thomas P. Moore.

6 In response to a plea by Nelson for approval of location of the lands, Richard Rush stated, September 5, 1826, that he was willing to approve some, but not all, locations, and that only Congress could provide relief. American State Papers, Public Lands, V, 481. In January of the next year Congress authorized the location of "so much of the township of land granted to the said [Kentucky] institution, as has been taken by the claims of those who are entitled to the right of pre-emption in the territory of Florida, ... in sections upon any unappropriated and unreserved lands in either of the territories of Florida or Arkansas." 4 U. S. Stat., 202.

7 Joseph Desha.

8 Cf. above, III, 91n., 343-44. John Green, "the Younger," was a great-nephew of the John Green of the Green-Biddle case.

9 Green had defeated William Smith in the election held on August 7-9. Danville Olive Branch, July 28, August 11, 1826. Quotation attributed to (Amos) Kendall not found.

From Henry H. Gurley

Honle. H. Clay,

Baton Rouge Augt. 20th. 1826.

My Dear Sir,

I have heard with great satisfaction of your safe arrival in your native State, and of the distinguished marks of respectfull & Sincere attachment by which you were greeted on your return home—
Nothing could have been more gratifying, after the persecution & party scurrility that you have received, than these free will offerings, from well tried & long known friends—

You have no doubt heard that the Representatives from this State have all been re-elected—Brent and myself by larger majorities than we recd. at the first Election.

My journey from Washington was retarded by low water in the Ohio, so that I did not reach home untill six days before the Election— I found Colo. Hamilton, my former opponent, a candidate & his friends (the Jackson party) and himself Confident of success— I was opposed principally upon the ground of my Presidential vote being, as they alleged, in opposition to the wishes of my Constituents— Let the result of the last Election answer this charge— It was also said that I was opposed to Slavery & in favour of emancipation— Nothing could have been more unfounded; But we must expect misrepresentations, especially in times of party strife & contention— Nothing was left undone by my enemies to defeat me— The party was well organized thoughout the State & acted upon every part of it— The Orleans Navigation Company were not inactive spectators but did all they could against me— But this detail cannot be interesting to you, I have given it supposing that it might enable you to form some opinion of the politics of our State— Upon the whole I am inclined to beleive that I will never receive the vote of this State from the people, who by a late law chuse the Electors by a general Ticket—. But much will depend upon future events— Our Citizens are very impatient to feel in their State the benefical effects of internal improvement— They are in favor of the system, but they want something here— I trust at the next session that some work will be commenced—say a canal from the Mississippi to the Lake—

Thus much I have said in relation to myself, & the politics of the State, & in confidence you will be pleased to receive it.

My principal object in writing you at this time is to recall to your recollection a conversation I had with you the last winter in relation to the appointment of Mr. Diego E. Pintardo as Consul to some Port in Mexico—you will recollect that I informed you that he had been warmly recommended by our friend Genl. Thomas, who still feels a deep interest in the success of his application— Mr. Pintardo has named to me the Ports of Campeachey & Tabasco which are supposed to be vacant or destitute of Consuls— He would be gratified with an appointment to either, or in case they are already supplied, to any other Port in that Republic—

I beg you to remember me acceptably to Mrs. Clay & beleive me, Dr. Sir, with sentiments of esteem & respect Your friend & svt.

H. H. Gurley
INSTRUCTIONS AND DISPATCHES

August 20, 1826

From A[LEXANDER] H. EVERETT, Madrid, no. 46. Reports the resignation "of the Duke del Infantado and the appointment of Don Manuel Gonzales Salmon to take the temporary charge of the office." Comments on reasons for the change; notes that Salmón "is every way much better qualified" for the office "than his predecessor"; recalls that Salmón "is . . . one of the two Commissioners appointed to treat with me upon the subject of indemnities" (see above, Everett to Clay, May 9, 1826); describes him as "about fifty years of age," a former Minister to Russia, and as having been earlier "entrusted, as now, with the temporary charge of the Department of State"; and cites the appointment as "favorable to the progress of the negotiations between the United States and Spain." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received October 18. Salmón remained the Spanish Secretary of State until 1832.

From J[OEL] R. POINSETT, Mexico, no. 53. Forwards "translation of a note . . . from the Secretary of State ad interim [Juan José Espinosa de los Monteros], together with the Gazette to which it alludes." ALS. Ibid., Mexico, vol. 2 (M97, R3). Copy, in MHi-Adams Papers, Letters Received (MR477). Received October 3. Published in American State Papers, Foreign Relations, VI, 357. The enclosures convey the information that, after negotiations were concluded at Panama, July 15, the assembly was transferred to Tacubaya. Espinosa not further identified.

MISCELLANEOUS LETTERS

August 20, 1826

From G[EOGE] LE CHAMPIER, Camden, South Carolina. Urges that France be requested to apply to the Haitian Government to permit the residence in Haiti of an agent to obtain information needed by applicants for indemnity to former Santo Domingo proprietors. ALS. DNA, RG59, Cons. Disp., Cap Haitien, vol. 1 (M9, R-T5). Cf. above, Brown to Clay, February 13, 1826.
From John I. McChesney, Bridgeton, New Jersey. Reports completion of publication of the laws. States that in February he gave an order to Hugh R. Merseilles to receive the compensation for this printing, that the "order was given in security for . . . a certain debt which is now paid," and that he wishes to countermand payment of the order. ALS. DNA, RG59, P. and D. of L.

From Robert G. Scott, Richmond (Virginia). States that, "by a Decree of the Chancery Court of Richmond," he controls $12,000 of "an extensive, & valuable property in Virginia, estimated at between 20 & $30,000," in which "a Count Barziza resident of the City of Venice, or near thereto, is interested"; inquires whether he may, through official channels, communicate with the Count. ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Barziza to Clay, March 11, 1825. Scott, graduated from William and Mary College, was a prominent Richmond lawyer.

On August 22 Daniel Brent, in Clay's absence, replied to Scott that the Department would "cheerfully take upon itself the transmission of any communications" which he desired to send to Venice, by way of the consul at Trieste (George Moore). Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 368.

INSTRUCTIONS AND DISPATCHES

August 21, 1826

From Condy Raguet, Rio de Janeiro, no. 13. Transmits copies of all correspondence between himself and the Brazilian Government in the past year; comments specifically on certain exchanges, including those relating to the case of James Birckhead, who recently lost a court action to recover a quantity of cotton goods seized for alleged violation of Brazilian customs regulations, to the importation of personal belongings of diplomatic agents, and to a dispute involving a house, rented by Raguet, which evolved into "a contest for the rights of the Diplomatic Corps. . . ." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received October 21. James Birckhead, a United States citizen, was head of a commission house in Rio de Janeiro.

MISCELLANEOUS LETTERS

August 21, 1826

From John Clarke, Philadelphia. Reports publication, by his successors, of the laws in the "Washington Whig of Bridgeton, N. J."; requests that "the printed pamphlet containing the Laws," needed to verify that the work has been completed, be sent to Hugh R. Merseilles, whom Clarke has "authorised to draw for the usual compensation"; notes that "the Whig establishment has passed into two hands" since he parted with it but that neither of them has "any claims against the Treasury" for publication of the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, McChesney to Clay, August 29, 1826.

INSTRUCTIONS AND DISPATCHES

August 22, 1826

From John Rainals, Copenhagen. Notes that the treaty (above, April 26, 1826) has been published; transmits a printed copy; adds that, since "the necessary instructions have been given to the different authorities," he considers the treaty "in full operation." ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received November 17.
From Silas Brown, Jackson, Mississippi. Notes transfer of the (Jackson) Southern Luminary to Peter Isler, who renamed the paper, State Journal, and who is publishing the laws and "is entitled to the compensation therefor..." ALS. DNA, RG59, P. and D. of L.

From Thomas Douglas, Baltimore. Reports that he is on his way to assume the duties of his office as district attorney for East Florida; regrets that, owing to illness, he was unable to go sooner. ALS. DNA, RG59, Misc. Letters (M179, R64).

From William B. Lawrence, New York. Acknowledges receipt of his commission as Secretary of Legation at London. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M50, R29). Copy in MHi-Adams Papers, Letters Received (MR477). On July 8, Daniel Brent, in Clay's absence, had transmitted Lawrence's commission, noting that he had been directed by the President "expressly to state... that this Commission is to be used contingently, only, and to take effect at the time, and upon the condition, of Mr. Gallatin's signifying... that Mr. [John A.] King's place has actually become vacant." Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 146 (M77, R6).

From James Brown (1)

Paris August 23, 1826

I hope this letter will find you and Mrs Clay in Washington and both of you much improved in health by the Journey. Mr Johnston of the Senate wrote me from New York on the 15th. Ulto. that he had heard of your safe arrival at Wheeling.² that your health was improved and Mrs. Clay's very good, but that apprehensions were felt that Mrs. Irwin [sic] would lose her child.³ I am really sorry that a journey from which you had a right to expect so much pleasure should have been rendered less agreeable and even painful by the occurrence of an event so distressing. I shall continue to hope that you may be preserved from this additional calamity and that you may find your grand child restored to health.

Three great events have occurred within the last six months, the consequences of which it is not easy to calculate. I allude to the suppression of the Janizaries, and the Introduction of the European discipline into the armies of the Sultan;—the re-establishment of the Order of Jesuits in France, and the adoption of a representative Government in Portugal.⁴ The steps which have been taken towards civilization in Egypt, commenced with a change of discipline in the army, which was Speedily followed by the introduction of the Cotton culture, and of Steam Engines, and by the establishment of Schools and the foundation of Colleges.⁵ Within the last month about fifty young Egyptians have arrived in Paris in order to go through a complete course of Education in Litterature [sic] and
Science with a view of qualifying them to become Instructors in the colleges of their own Country on their return to it, and this as the Vice Roy states in his letter is done with the design of promoting the civilization of Egypt. If the consequences of introducing the European discipline into the armies of the Sultan should be the same we may hope to see at no very distant day civilization spreading itself over that portion of the Globe which has for so many centuries been sunk in semi-barbarism, and Turkey may yet be qualified to give instructions to the Russian Empire as well as to resist its power.

The reestablishment of the Jesuits in France where twelve months ago the Government papers asserted the order did not exist, is certainly one of the most extraordinary occurrences of the age in which we live. Their return to France and their being at the head of seven Seminaries was admitted at the last Session of the Chamber of Deputies when at the very same time the friends of the Ministry were busy in denouncing as Calumniators every person who insinuated that the order was to be found in the Kingdom. It is now found that they are strong enough in consequence of the support of their allies the Congregation to meet all opposition and to make a bold stand against their adversaries. The Courts are not friendly to them, and believing the Ordinances by which they were banished to be still unrepealed, would sustain a prosecution against them; but as all prosecutions must be instituted by the Attorney General, and as it is believed he would be dismissed if he would commence one they may now be considered as beyond the reach of legal measures and of course as firmly established in France. They are however exceedingly unpopular and it not [sic] probable that with their rapacious, and intriguing, and intolerant disposition they will ever be favorites with the French people. The Journals are filled with Theological disputes which are daily becoming more bitter, and there is some reason to apprehend that they may end in religious wars or at any rate in the persecution of other sects. All this tends to weaken and may in the end convulse and agitate France which with union would be the strongest Government in the World.

The Constitution has been accepted in Portugal but not with that unanimity and enthusiasm which can ensure its success. The intriguers from every government on the Continent and more especially from Spain will exert all their influence to overturne it. If it sustains itself the consequence probably will be a revolution; [sic] in Spain. This is greatly apprehended by the King of Spain who is said to have ordered a Sanitary Corps to the frontiers of Portugal.

Our commerce with this country it would appear is constantly
to encounter objections and difficulties from this Government. A Vessel sailing from New Orleans cleared out as I presume for Cork and a market. The Captain was the Bearer of Instructions to touch a [sic] Cork for orders whether Greenock Liverpool or Havre should be his ultimate destination. On arriving in Cork he was ordered to go to Havre at which port he arrived without having broken bulk on the passage from N. O. He carried only the British Consuls certificate of origin which being declared insufficient by the Custom House officers at Havre, his consignee wrote to the Director General of the Customs at Paris complaining of the decision and requesting that if the Certificate of the Consul of France was thought necessary, time might be allowed to send for it, and thereby to entitle the Cargo (Cotton) to the benefits of the Convention. The Director General answers that the British Consuls Certificate cannot be admitted and that it would obviously be useless to send for any other proof because the vessel on sailing from New Orleans was destined for Cork, and that all vessels and Cargoes not sailing directly for a port in France are formally excluded from the benefits of the Convention of June 1822. He adds that the French Consuls residing in the United States have received Instructions not to grant Certificates of Origin to any Vessels not sailing directly for some port in France. On examining the Convention I have not discovered any expression which can be considered as forbidding [sic] a Vessel to touch at some port for orders provided she does not land or change her Cargo.9— I called on the Minister of Finance9 who promised to consider the subject and give me his answer in a few days.

The death of the Venerable father16 of our President has no doubt deeply afflicted the heart of his affectionate son. Be so kind as to express to him my most sincere condolence on the event. It is a source of consolation to me on the loss of that most virtuous and eminent Statesman that I had the Satisfaction when at Boston in 1823 to be presented to him, and to have passed one of the most agreeable hours of my life in conversing with him. I have often regretted that although General Washington was a native of Virginia I never had an opportunity of seeing him. It is to be regretted that Mr. Jeffersons last days should have been embittered by embarrassed circumstances and that he should have died before he had received proofs of the affections of his Country in the subscriptions which had commenced in different parts of the Union.11

Mrs. Brown enjoy [sic] her usual health and sends her affete.12 greetings to Mrs. Clay. I am Dear Sir very truly Your most faithful servant

James Brown

Honb Henry Clay
My dear Sir

Mrs. Brown has already informed Mrs Clay that the purchases made for her had been effected, and the Articles sent to Havre to go in the Packet Ship which will sail from that place on the 25. I shall this day inclose an Invoice to our friend Mr Isaac Bell owner of the Packet Ships who will be kind enough to pass them through the Custom house and send them to you.

You have a Memorandum enclosed of the sum expended except the charges to Havre which may amount to about fifty or sixty francs. There is no regular course of Exchange between France and the United States but my friend Mr Donnell the son of Mr John Donnell of Baltimore who will sail on the first has received from me Livres—2,230 which he promises by the enclosed letter to pay you in Baltimore at the par Value 18 3/4 cents per franc. There may be a trifle left in your favor which Mrs. Brown will invest in some article for Mrs Clay. Mr Donnell will sail from Havre in the Packet of the 1st. and will proceed immediately to Baltimore.

On hearing of the death of Mrs. [sic] Adams and Mr. Jefferson Mrs. Brown and myself put on mourning and have no doubt but that by a spontaneous movement of sympathy every American in Paris will give that and every other proof of the sense of affection and respect which they feel for the memory of those Patriots to whom we are indebted for the Liberty and Happiness we enjoy.

I find my health much improved by remaining only twenty days at the Hot baths, and am now very sorry that I did not venture to remain a few days longer. Mr Sheldon has left us for a few weeks on a journey to Dieppe in search of health. His Constitution is extremely delicate but I think I discover some amendment since last year. I have not heard from Mr Gallatin since his arrival in London—
I shall be forced on the 1st. of October to change my Hotel and have found some difficulty in fixing myself to my wishes— I cannot obtain a decent establishment on a rent of less than 18,000 francs. This bears a fearful proportion of my Salary but I must submit to it. It is probable that rents in the Course of the next twelve months will fall as building has gone on largely in every part of the City. It is now beleived [sic] that living is cheaper at London than at Paris. I am Dear Sir very truly Your friend &c. JAMES BROWN Honb. Henry Clay.

ALS. DLC-HC (DNA, M212, R2).

1 Cf. above, Clay to Brown, May 22, 1826; Brown to Clay, August 12, 1826.
2 Not found.
3 John Donnell, a native of northern Ireland, who had settled in Baltimore shortly after the Revolution, was a prominent shipping merchant and president of the Baltimore branch of the Bank of the United States. He had three sons; the one here mentioned was probably John Donnell, Jr., the eldest.
4 Cf. above, Brent to Clay, July 12, 1826.
5 Cf. above, Brown to Clay, July 26, 1826.
6 Daniel Sheldon.
7 Albert Gallatin.

From J. G. McClenachan and Others

The Honorable HENRY CLAY— LEWISBURG, Aug. 23, 1826.

SIR: At a meeting of a respectable number of the inhabitants of Lewisburg and its vicinity, convened in the Court House on the 22d instant, it was unanimously determined to greet your arrival amongst them by some public demonstration of the respect which they, in common with a great portion of the community, feel towards one of their most distinguished fellow-citizens. It was, therefore, unanimously resolved, as the most eligible means of manifesting their feelings, to request the honor of your presence at a Public Dinner to be given at the Tavern of Mr. James Frazer, in the town of Lewisburg, on Wednesday the 30th inst.

In pursuance of the above measures, we, as a committee, have been appointed to communicate their resolutions, and solicit a compliance with their invitation. In performing this agreeable duty, we cannot but express our admiration of the uniform course which, during a long political career, you have pursued with so much honor to yourself and country. Although the detractions of envy, and the violence of party feeling, have endeavored to blast your fair reputation, and destroy the confidence reposed in you by the citizens of the United States, we rejoice to inform you, that the people of the Western part of that State which claims you as one of her most giftest [sic] sons, still retains the same high feeling of respect, which they have always manifested, in spite of the maledictions and bickerings of disappointed editors and interested politicians. We cannot close our communication without hailing you as one of the most
distinguished advocates of that system of internal improvement which has already proved so beneficial to our country, and which at no distant period will make even these desert mountains to blossom as the rose.

We have the honor to subscribe ourselves yours, with esteem.

J. G. McClenachan, John Beirne,
James McLaughlin, John A. North,
J. F. Caldwell, Henry Erskine.

INSTRUCTIONS AND DISPATCHES

August 23, 1826

From John Williams, Guatemala, no. 4. Encloses an extract from a letter he has written to (Joel R.) Poinsett concerning "the territorial controversy between Mexico & Guatemala"; notes that his efforts have been well received in that connection, as well as in obtaining a suspension of the tariff law (see above, Williams to Clay, August 4, 1826), until the legislation can be modified by Congress, and in recommending adoption of reforms in the legal system; states that he is now "drawing a charter for a national bank"; and describes the country he saw during "an excursion of six days to the South & South West of" the city. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 28. The enclosure cites, on the authority of President (Manuel José) Arce, alternatives by which the dispute may be settled by peaceful means.

APPLICATIONS, RECOMMENDATIONS

August 23, 1826

William Cranch, Alexandria, District of Columbia, recommends John Roberts as justice of the peace for Alexandria County, District of Columbia. He is already justice of the peace for the city of Alexandria, but not for the county. ALS. DNA, RG59, A. and R. (MR3). Roberts, who was mayor of Alexandria from 1823 to 1827 and again from 1830 to 1833, was not appointed to the recommended magisterial position for the county.

To Josiah S. Johnston

My dear Sir, White Sulphur Springs (Va) 24h. Aug. 1826

I arrived, without accident, at this place, the day before yesterday, and after remaining about a week at it, for the use of the mineral waters, I purpose resuming my journey about the first of September, and hope to reach the City the 10th. or 12th. My health has improved on the journey, although I have not been able to secure all the tranquillity and abstraction from crowds, which is necessary to its re-establishment; for they have invited me to a public dinner at Lewisburg, and not being able to assign any
sufficient reason for declining it, I have accepted it. The administration has many friends in this quarter of Virginia.

There is much company at this place, but it shifts almost as frequently as the dramatis personae of a theatre. It is chiefly from the Southern States.

I am driving a gig horse, which though not so fine or shewy as your finest carriage horse, I am inclined to think might answer as a tolerable match for him.

With my best regards to Mrs. J. and the hope of seeing you both very soon, I am truly Your friend

H. Clay.

Mrs. Clay was to leave Lexn. on the 22d. inst. to proceed to the City, by the route of the State of Ohio, and I expect will reach you about the time I shall.

J. S. Johnston Esq.

ALS. PHI.

1 Cf. above, Clay to Johnston, August 2, 1826.

To J. G. McClenachan and Others

White Sulphur Springs, 24th August, 1826.

Gentlemen: I have received the note which you did me the honor on yesterday to address to me, inviting me, in behalf of a respectable number of citizens of Lewisburg and its vicinity, to a public dinner, at Mr. Frazer’s Tavern, on Wednesday next, which they have the goodness to propose, in consequence of my arrival amongst them, as a manifestation of their respect. Such a compliment was most unexpected by me on a journey to Washington by this route, recommended to my choice by the pure air of a mountain region, and justly famed mineral waters; a short use of which I hoped might contribute to the perfect re-establishment of my health. The gratification which I derive from this demonstration of kindness and confidence springs, in no small degree, from the consideration that it is the spontaneous testimony of those with whom I share a common origin, in a venerated State, endeared to me by an early tie of respect and affection, which no circumstance can ever dissolve. In communicating to that portion of the citizens of Lewisburg and its vicinity, who have been pleased thus to favor me, by their distinguished notice, my acceptance of their hospitable invitation, I pray you to add my profound acknowledgments. And for the friendly and flattering manner in which you have conveyed it, and for the generous sympathy, characteristic of Virginia, which you are so obliging as to express, on account of the detractions of which I have been the selected object, and the meditated victim, be assured that I shall always retain a lively and grateful remembrance.
From Thomas Hulme

My dear Sir,

I hope you will excuse the liberty I have taken of transmitting to you a short history of some of Mr. Randolph's f'eeks [sic] while crossing the Atlantic, in company with my son, who was much obliged to you for the letter you gave him to your friend Mr. Brown in Paris; and for which favor please accept my thanks.

The following is an extract.

Dear Father,

Agreeable to your request I give you a short acct. of Mr. Randolph's conduct during the passage. He talked incessantly, he is a great eater, but that did not prevent him from monopolizing all the conversation at table; This would not have been of much consequence if his talk had been amusing or instructive, but it was principally about himself, his slaves, & the blood and consequence of his famely [sic] these were his daily, and nightly themes. One night I found he had raised up the Steward (who had retired late, & was obliged to rise very early,) to talk to him of the manner in which he treated his negroes, The poor Steward was not much pleased with the honor thus conferred [sic] on him.— When unable to get an audience in the cabin Mr. R— would go forward to the Steerage passengers, and there hold forth his claims to to [sic] full blood— "I am the last of the Powituns," said he, "my brothers only son is an Idiot," He said there were more Randolphs spread about, but they were poor vagabonds. After a very heavy charge of wine or wiskey [sic] punch, with which he loaded very frequently he was very noisy. He says that if Mr. Adams be reelected, he will leave the Country, and settle in England, that he will bet 500 Hogs of Tobacco upon Jackson, against Adams.— He says the Americans are a degenerate [sic] race of men.— He is an enimity [sic] to universal Suffrage [sic].— Who ever heard of a negro being a Christian.— England is fast approaching to despotism [sic], says he, and America is following the same course.— America is only fit for White Bears & Camels.

In ten years, "mark my word" there will be a division of the United States; The south will have the chesapeake and will consist of virginia &c &c &c Eleven states in all Ile [sic] be damned, said
he, if I would not rather be governed by the English, than by the
Yankees [sic].— The Poor children should not be instructed to
read; we want bruts [sic] in the human shape, and who so fit as
those children abandoned by their Parents.— The United States
will take Mexico they have a right to do so; A few virginian &
Kentucky Riflemen would take Boliver [sic] and the whole of
south America.— I hate improvements, "Damn the steamboats, I
wish they were all blown up, I wish there was not a single Turnpike
road in virginia.—

I would rather have a drunken man for my daughter than one
over sober.— I would shoot my negroes, if every body else would
shoot theirs; "it is the only way to get rid of two millions of negroes.
I could shoot all mine in two hours."— I will shoot any man who
comes to collect revenue [sic] upon my estate."— I never call myself
an american, I always say I am a virginian, so I am; the other states
are no more to me than any neutral country.— The Yankees are
the greatest scoundrels on the face of the Earth &c &c &c—

My Dear friend,

This sort of language very much resembles that of a mad man,
and in future I hope you will treat him as such.

Please give my respects to your good Lady & family, and you will
oblige your Sincere friend and Most obdt Svt. Thos Hulme
The Honble. Henry Clay.

Secretary of State Washington City—

ALS. DLC-HC (DNA, M212, R2). Hulme, born in Manchester, England, had come
as a young man to Philadelphia, where he was now a successful manufacturer.
1 Cf. above, Hughes to Clay, July 16, August 18, 1826.
2 Not identified.
3 James Brown. The letter has not been found.
4 John Randolph represented the sixth generation in descent from Powhatan.
Randolph's younger brother, Theodorick Bland, had died, unmarried in 1792; his
elder brother, Richard, had died two years earlier, leaving two sons, Tudor, who had
died of consumption while still in college, and St. George, who was deaf, dumb, and
insane. But Randolph's line was only one of "twenty-six known branches of the
family." By the time he died, "there were literally hundreds of Pocahontas' posterity,
scattered far and wide." Philip L. Barbour, Pocahontas and Her World (Boston,
1870), 215.

INSTRUCTIONS AND DISPATCHES August 24, 1826

From W[illiam] Tudor, Lima, no. 47, "Confidential." Notes reception of
"some scattering gazettes from the U.S.," from one of which he learned of James
Cooley's appointment as Chargé to Peru; expresses a hope that Cooley will
arrive soon; and adds: "I trust while enjoying a regular commission and salary,
he may find the discharge of his duties more satisfactory than I have done in the
forced exercise of them upwards of two years without either of those advantages."
Discusses in further detail arrests and banishments resulting from the conspiracy
mentioned in his last letter (above, August 1, 1826). Describes efforts of certain
groups to dissuade (Simón) Bolivar from departing for Colombia; states that
"The electoral college of Lima, . . . convoked last week, accepted his [Bolivar's]
plan of a constitution, & elected him President for life"; and insists that these
manifestations of support result from management by Bolivar's supporters. Declares that he witnessed similar scenes "in Paris, when Napoleon . . . made himself First Consul for life, Emperour &c. &c. He is the model, & Bolivar imitates him as nearly as circumstances permit." Discusses critically and at length Bolivar's ambition to create an empire with himself at the head of it.


MI8CELLEOUS LETTERS August 24, 1826


On August 29, Daniel Brent, in Clay's absence, gave the requested authorization: "As very many of these unfortunate individuals, or the descendants of them, are scattered through the country, far in the interior, it would be well, perhaps, that two or three more Newspapers, situated as yours is, should be also made the Medium for the same promulgation. . . ." Copy, in DNA, RG59, Dom. Letters. vol. 21, p. 375 (M40, R19).

From [Samuel L.] Southard, Washington. Transmits two letters, which he wishes returned to him after Clay has read them. AN, NjP-Samuel L. Southard Papers. Endorsed by Southard: "to Mr. [James] Birckhead—respecting trade to Brazil & the Prests. letter to me on the subject."

APPLICATIONS, RECOMMENDATIONS August 24, 1826

John McLean, Washington, by request "from a highly respectable source," names Byrd Brandon as a candidate for appointment as district attorney for Northern Alabama; adds that he sends the note "to comply with the wishes of a friend" and that he, himself, has not "the smallest interest in the appointment." ALS. DNA, RG59, A. and R. (MR1). Copy, in MHi-Adams Papers, Letters Received (MR477). Cf. above, Birney to Clay, August 5, 1826; Crittenden to Clay, August 17, 1826, note.

INSTRUCTIONS AND DISPATCHES August 25, 1826

From Thomas L. L. Brent, Lisbon, no. 29. Notes dissatisfaction in the armed forces with the constitutional government (see above, Brent to Clay, July 21, 1826); reports growing friction between Portugal and Spain (cf. above, Brown to Clay, August 23, 1826 [1]); reviews the attitude of the various continental powers toward the new government; quotes from a decree of the King of Spain (Ferdinand VII) expressing "determination to resist every change in the political institutions of that country"; but recounts confidential information from "the Spanish Embassy" in Lisbon that "Spain will be compelled to follow the example of Portugal." Encloses copies of correspondence pertaining to the appointment, as Minister of Foreign Affairs, of Francisco de Almeida, who, in
an interview with Brent, expressed friendly sentiments toward the United States; comments that the Count of Vila Real will go to Madrid as Envoy Extraordinary and Minister Plenipotentiary. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R-T6). Received October 18.

José Luís de Sousa Botelho Mourão e Vasconcelos, Count de Vila Real, born in Lisbon and educated at the University of Göttingen, had won military distinction in the war against Napoleon and, after serving briefly as an adviser to the Portuguese Embassy in London, had become Minister Plenipotentiary to Madrid from 1814 to 1820. Upon the accession of John VI to the throne in 1823, Vila Real was named a count and returned as Minister to London. A strong supporter of constitutional government, he held office only briefly, as Minister of War, after Dom Miguel seized control of the government in 1828. Vila Real returned to become Prime Minister under Maria II, from 1833 to 1836. His dissatisfaction with domestic politics led him to reside abroad from 1846 to 1854, but in 1855, shortly before his death, he went to St. Petersburg as Portuguese Minister.

From Samuel Larned, Santiago de Chile. Transmits “pamphlets, and papers” containing “information respecting the political, moral and physical state of these [sic] countries”; reports that, as a result of correspondence between “the President of the Committee on the Constitution” (José Ignacio Cienfuegos) and himself, copies of which are enclosed, he attended meetings of the committee and gave “its members such information as they required”; declares that the adoption of the federal form of government and his own “acquiescence in the request of the President” have created “a much stronger sympathy, and greater regard for the United States and its citizens, than before existed”; explains the case of “the schooner Chile, ... of Stonington, Con[necticut],” which was seized on a charge of smuggling tobacco but which, through Larned’s efforts, has been released. ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received December 1.

José Ignacio Cienfuegos Astorga, a curate in Talca prior to the movement for Chilean independence, had been exiled for a time because of his support for that effort. Upon the ascendancy of Bernardo O’Higgins (see above, II, 505n), Cienfuegos had become archdeacon of the cathedral at Santiago and a senator in the government. He served in various official negotiations, notably at Rome in 1824 for the reunification of the Catholic Church in Chile. He became bishop of Concepcion around 1841.

From William Shaler, Algiers, no. 86. Encloses the journal of the consulate from June 1 to August 25; comments favorably on the Bashaw’s conduct in connection with the matter discussed there. LS. DNA, RG59, Cons. Disp., Algiers, vol. 11 (M23, R-T13). Received October 20. The enclosure reveals that Shaler had succeeded in obtaining the release of American goods which had been on board a Dutch vessel seized in the Mediterranean by the Algerines.

The Bashaw was Hussein, of obscure birth in Smyrna, well educated, experienced in trade and in the army, who had been Minister of the Interior when selected by the military leaders to succeed to the throne in 1818. He was the last of the bashaws, ruling until France took control of the country in 1830.

INSTRUCTIONS AND DISPATCHES

From Heman Allen, Valparaiso, no. 41. Reports the success of an expedition sent to restore order at Chiloe; expects this event to check the “visionary schemes” of (Bernardo) O’Higgins (cf. above, Tudor to Clay, July 5, 1826);
August 27, 1826

comments on the lack of harmony between “an aristocratic Executive [Manuel Blanco Encalada], and a republican Congress”; notes that “unfavourable accounts” of (Simón) Bolívar “continue to gain ground,” both here and in Peru; generalizes on the lack of “the influence of moral principle, [and] . . . the science of civil government” in Spanish America. ALS. DNA, RG 59, Dip. Disp., Chile, vol. 2 (M-T 2, R 2). Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1113-14.

From Abraham B. Nones, Maracaibo. Reports preparations for the anticipated “arrival of the President [Simón Bolívar] . . . on his way to Venezuela,” where, it is expected, the insurrection will be suppressed. LS. DNA, RG 59, Cons. Disp., Maracaibo, vol. 1 (M-T 62, R 1). Received September 25. See above, Foster to Clay, May 15, July 2, 1826; Litchfield to Clay, May 22, 1826; Lamson to Clay, July 5, 1826; Rodney to Clay, June 24, 1826, note; Watts to Clay, July 9, 1826.

From Joel R. Poinsett, Mexico, no. 54. Acknowledges receipt of Clay’s letter of May 11; promises to exert himself in the case but warns that “the forms of doing business in this Country are extremely complicated and dilatory”; expresses a wish that a plan could be devised to stop the smuggling, by American vessels, which “justifies the officers of this government in regarding with suspicion every vessel sailing under our flag.” LS. DNA, RG 59, Dip. Disp., Mexico, vol. 2 (M 97, R 3). Received October 3.

From Joel R. Poinsett, Mexico, no. 55. Refers to the expulsion of (Orazio Donato Gideon de Attellis) Santangelo, an immigrant from Naples, for criticism of Mexico in a recently published book; discusses at length the party divisions in the country, including the group he has “hitherto designated as the liberal or federal party, . . . attached to the present administration, . . . now called Yorkinos, ancient York Masons: the opposition or Centralists, Escoses, Scotch Masons: and the third party, which headed their ticket with the sign of the Cross, Los Piadosos, the pious—in other words, the fanatics.” Expresses a fear that Treasury receipts for the year will fall below estimates and speculates that Sebastián Camacho will go to London to try to obtain a new loan. Promises to try to learn the nature of the “secret Convention, concluded at Panama,” which, he suspects, “relates to the invasion of Cuba and Porto rico” (cf below, Poinsett to Clay, September 23, 1826; Salazar to Clay, November 20, 1826). LS. Ibid. Received October 30. Extract published in American State Papers, Foreign Relations, VI, 358.

Orazio Donato Gideon de Attellis Santangelo, expelled from Mexico in 1826, applied for United States citizenship in 1829, returned to Mexico in 1833 on assurance that he would be accepted, but again in 1835 was expelled for publication deemed hostile and dangerous to the country. He was ultimately awarded indemnity for the second expulsion under the claims convention between the United States and Mexico, in 1839. Moore, History and Digest of the International Arbitrations . . . , IV, 3733-34. The book for which he was first expelled was probably Las Cuatro Primeras Discusiones del Congreso de Panamá . . . (trad. del autografo francés al español por L. de Zavala; Mexico, 1826).

From Henry Shaw

Dear Sir

August 27, 1826

It is a long time since I wrote you and for the best reason in
the world. I had nothing to tell you— I have looked on, and have seen no occasion in which any thing I might say or do would profit you, except that constant and vigilent [sic] defence of your conduct at home, which the enemies of Adn. rendered necessary— but it could do you no good to keep talking of this— I never go by the halvs [sic]— In this State I nothing can shake the power of the Adn., it is only necessary to give to you a fair share in its honors— the point of attack is not the Pt. all abuse is hurled [sic] at the Secy. and I have thought there was too little effort by the frinds [sic] of the Pt. for your protection— what I have always believed in regard to him will prove true— he is too cold— & too selfish— he thinks too much of Webster & Everett &c &c— the mass of the Old Republicans will never forgive the one, or tolerate the other— A strong effort was made last spring to place W in the Senate— I could not see the policy of it— it failed and it was best it should fail— we have another to choose this winter— how does Mills stand with you. My desire is to see more of your personal friends in the Govt.— Mills can be elected, or our little Govr. can— Mills is the ablest Man by far—but he is a malignant, & in time of need could not be counted on— the other is a vain talkative coxcomb. And neither of them fully possessed with what I deem correct views of Admn.— that is, they make the Pres. all in all— they both want it— Silsby is much your friend— but a weak man— If you have any vius [sic] on the subject and choose to express them, they shall be enforced [sic] if possible— Mills has caused it to be intimated to me that he is your wish— does Dwights do all he can rightfully— I can permit him to be Elected or send you another Man— he has gone in this way for the two last Terms— we are so situated that altho. I cannot absolutely Elect whom [sic] I please, I can permit his election— you will think ther [sic] is much Vanity in such talk as this— but no—it is simply the Truth. The opposition in this State is compounded of the Old Pickering Federalist [sic], the Crawfordites, & some of your old friends, & they are combing on Jackson— but it will not amount to much, if Adn. are true to the Country & themselves— In Vermont a great effort is making by Van ness to oust Seymour, by [sic] my best information warrants the hope that Seymour will succeed— he is an honest man— the other God help him, is obliquity personified— And would sell himself to any body and for any thing— little Matte has a troubled sea to navigate— his race is a hard one— If Clinton takes hold of him he is safe— if not, he must go— Clinton will be elected by a great maj. and I doubt not there will be a Clintonian Legislature— John Holmes, must go (he is a nasty thing—)

The grounds of opposition this winter as near as I can learn them, will be the Reform Bills as they are called, and a continue
[sic] of the Bankrupt Law. Unless the Message should disclose some new Matter— If the Pt. could adopt the Reform Bills or the leading principles of them, it could add to the Strength [sic] of Adn. and we all hope here that the Bankrupt Law will not be permitted to be taken as an Admn. Measure— Let Webster have the Bill to himself— it is not called for by the Country. Its Machinery is complex— we have once tried the Experiment— it was a John Adams Measure— it will raise the wind— depend upon it.—

But as an Adn. you are gaining Strength dayly among the sober sedate thinking population— If you do not try experiments, let the Ship sail cozy and all will go well— God knows how much and how strongly I wish you every kind of success— I know your wishes are for your Country; and no motive can be imagined for a contrary one— at your leisure if you please let me hear from you— and say just as much in answer to my queries as you judge prudent— I salute you with undiminished affection—

H: Shaw

If the appt should be affirmed to Mr. Savage it ought to be done This Month, or at least before the Convention meet at Herkimer— it should be done forthwith—

H. S.
16 The first Federal bankruptcy law, limited in application to merchants, bankers, brokers, and insurers, had been passed on April 4, 1800, and repealed on December 19, 1803. 2 U. S. Stat., 15-36, 248.

17 John Savage. See below, Shaw to Clay, September 10, 1826.

18 See above, Rochester to Clay, May 9, 1826.

**MISCELLANEOUS LETTERS**

August 27, 1826

From Dutee J. Pearce, Newport (Rhode Island). Requests that the advertisement concerning "the St. Domingo claims... be published in those newspapers [sic] designated to publish the laws in this State. ..." ALS. DNA, RG59, Misc. Letters (M179, R64). Directed, at bottom of page, to Clay "or D. Brent, Esqr." Cf. below, Pearce to Clay, September 13, 1826.

To Francis T. Brooke

My Dear Sir

W. Sulphur Springs 28h. Aug. 1826

I was disappointed on my arrival here in not having the pleasure of meeting you; but I recd. your obliging letter¹ accounting for your absence. I have made a short halt for the use of the waters, which I have already found of some benefit. I shall resume my journey on the first of the next month, and will probably reach Orange, by the way of Charlottesville, on the 8h. or 9h. I purpose remaining a day or two there with Govr. Barbour, if at home, and Mr. Madison.² I should be delighted to avail myself of your kind invitation, but that must depend upon information which I may hereafter receive as to the necessity of my presence at my post. It will be very gratifying to me if I can render any service, which I will not fail to endeavor, to your friend Mr. Carter.³

Believe me ever faithfully and Cordially Yr's

H Clay

The Honble. F. Brooke.

ALS. DLC-TJC (DNA, M212, R13). ¹ Not found.

² James Barbour; James Madison. Clay reached Charlottesville September 14 and, after visiting "Monticello" and the University of Virginia, departed the next day for Barbour's home at Orange. Washington National Journal, September 20, 1826.

³ Not identified.

**INSTRUCTIONS AND DISPATCHES**

August 28, 1826

From Alexander H. Everett, Madrid, no. 47. Forwards translation of a note (dated August 21, 1826) from the Secretary of State (Manuel González Salmón) clarifying the "Royal order of August 25. 1825 exempting from tonnage duty such foreign vessels as arrive in ballast and take away a quantity of salt or barrilla [sic] equal in value to the amount of the tonnage duty which they would regularly be obliged to pay"; notes that vessels may, after taking on the requisite amounts of their products, "fill up with any others and still enjoy the benefit of the order." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received November 2. Cf. above, Everett to Clay, September 14, 1825.
From Albert Gallatin, London, no. 5. Notes that “The unexpected order in Council for interdicting the intercourse in American Vessels between the United States and the British Colonies in South America and the West Indies” (see above, Gallatin to Clay, August 19, 1826), has placed him “in a more difficult situation than had been anticipated.” Encloses a copy of a note which he, “Although without instructions on that unforeseen contingency,” addressed to (George) Canning in order to expose “the nature and true import of the order in Council, avoiding to say any thing that might impede a negotiation, and leaving the course open for any further measures which the President may think proper to adopt.” Adds that he also took the opportunity “to state the reasons for the delay in renewing the negotiations, and why an act had not been passed for placing the navigation of the British possessions abroad on the footing of the most favored Nation.” Confides his inability to “assign any other rational Motives for the suspension of the intercourse, but a desire to regulate it altogether by acts of Parliament, without leaving us any other option than that of either accepting such acts in toto, and without any modifications, or of having no intercourse whatever with the British Colonies.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received September 30. Cf. above, Gallatin to Clay, August 19, 1826. Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 509-10.

From Vincent Gray, Havana. Reports departure of the Spanish squadron, possibly “to Porto Cabello . . . to feel the pulse of [Jose Antonio] Paez, while he holds that place.” Notes arrival of the Dutch consul (Lobe). Cites an instance of “violation of the Territorial Rights of the [Spanish] Nation” in the capture by a British warship of a steam packet suspected of having on board Negroes “illegally introduced into this Port from Africa.” ALS. DNA, RG59, Misc. Letters (M179, R64). On the Spanish expedition, see below, Gray to Clay, September 30, 1826.

From Robert Montgomery, Alicante. Reports that, having disagreed with the interpretation given by the captain of the port to the royal decree of August 25, 1825, exempting from tonnage duty foreign vessels coming to Spanish ports to load barilla or salt, he went to Madrid to enlist the support of (Alexander H.) Everett, whose application to the Minister of State resulted in “an order [enclosed herewith] to the Captain of the Port” to refund money collected in one case and to refrain from collecting the duty under similar conditions; notes the possibility of civil war in Portugal; and states that “Colombian Privateers continue to rove unmolested along this coast and take every Spanish vessel of value that they meet with.” ALS. DNA, RG59, Cons. Disp., Alicante, vol. 1 (M-T357, R1). Received November 1. Cf. above, Everett to Clay, August 28, 1826.

Miscellaneous Letters August 28, 1826

From Oliver Logan, “Antrim Near Horn Town Accomack County Virginia.” Cites a recent newspaper item concerning French spoliations before 1800; notes that he has documents “relative to a Vessell [sic] and Cargo,” owned by John Logan, deceased, and condemned by the French in 1797; asks how to establish the claim. ALS. DNA, RG76. French Spoliations, 1791-1829 (MNP8, R2). Cf. above, Clay to Adams, May 20, 1826. The Logans not further identified; no record of the claim has been found.
From Peter B. Porter, "Cabells dale, near Lexington Ky." Refers to his letter to Clay, "probably about the first of June [i.e., May 15, 1826]"; notes that he has delayed answering (Anthony) Barclay's communication, because he "did not know where to address him" and because he has not received "the views of the President on the subject"; encloses a copy of another letter from Barclay "on the same Subject"; states his intention of attending a meeting of the Board (Northern Boundary Commission) in New York in September and his hope that he may be informed "of the wishes of the Government in regard to Mr Barclay's propositions . . . ." ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI and VII, env. 1, folder 1, item 71. Copy, in MHi-Adams Papers, Letters Received (MR477).

INSTRUCTIONS AND DISPATCHES August 29, 1826

From T[omas] M. Rodney, Wilmington (Delaware). Transmits a copy of "the 'Diario de la Havana,' " containing information relative to acknowledgment of a French consul general for Cuba (Chevalier Sant Iago Maria Angeluce). ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Cf. above, Burton to Secretary of State, June 30, 1825.

From John Williams, Guatemala, no. 5. Transmits "a report from the Secretary of foreign affairs [Juan Francisco de Sosa], and Some news papers"; states that he (Williams) will "be at Omoa on the 15th of December" and expects to be picked up there by a vessel from the West India Squadron. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received October 28.

From John Williams, Guatemala, no. 6. Reports having just received "a letter from Mr [John] Marshall, detailing the treatment he had received . . . on his way to Omoa"; encloses a copy of his note to (Juan Francisco de) Sosa and, on August 30, a copy of the reply, written by one Beteta (not identified) in Sosa's absence. ALS. Ibid. Received October 28.

The enclosures include Williams' protest, at the forcible search, by a revenue officer, of Marshall's trunk containing the convention (with the Central American Federation), Beteta's statement of regret, and Williams' expression of gratification at the measures taken "to redress the flagrant outrage committed against the Honor of the United States—" Cf. above, Williams to Clay, August 3, 1826.

Toasts and Speech at Public Dinner, Lewisburg, Virginia [August 30, 1826]

Our distinguished guest, HENRY CLAY, the statesman, orator, patriot and philanthropist, his splendid talents shed lustre on his native state, his eloquence is an ornament to his country—

Mr. CLAY rose and addressed the company in a speech which occupied nearly an hour in the delivery, of which we can only attempt an imperfect sketch. He said that he had, never before felt so intensely the want of those powers of eloquence which had been just erroneously ascribed to him. He hoped, however, that
in his plain and unaffected language he might be allowed, without violating any established usage which prevails here, to express his grateful sensibility, excited by the sentiment with which he had been honored, and for the kind and respectful consideration of him manifested on the occasion which has brought us together. In passing through my native state, towards which I have ever borne, and shall continue in all vicissitudes to cherish, the greatest respect and affection, I expected to be treated with its accustomed courtesy and private hospitality. But I did not anticipate that I should be the object of such public, distinguished and cordial manifestations of regard. In offering you the poor and inadequate return of my warm and respectful thanks, I pray you to believe that I shall treasure up these testimonies among the most gratifying reminiscences of my life. The public service which I have rendered my country, your too favourable opinion of which has prompted you to exhibit these demonstrations of your esteem, has fallen far below the measure of usefulness which I should have been happy to have filled. I claim for it only, the humble merit of pure and patriotic intention. Such as it has been, I have not always been fortunate enough to give satisfaction to every section, and to all the great interests of our country. When an attempt was made to impose upon a new state, about to be admitted into the Union, restrictions incompatible, as I thought, with her co-equal, sovereign power, I was charged in the north, with being too partial to the south, and as being friendly to that unfortunate condition of slavery, of the evils of which, none are more sensible than I am. At another period, when I believed, that the industry of this country required some protection against the selfish and contracted legislation of foreign powers, and to constitute it a certain and safe source of supply, in all exigencies, the charge against me was transposed, and I was converted into a foe of southern, and an infatuated friend of northern and western interests. There were not wanting persons, in every section of the union, in another stage of our history, to accuse me with rashly contributing to the support of a war, the only alternative left to our honor by the persevering injustice of a foreign nation. These contradictory charges and perverted views, gave me no concern, because I was confident that time and truth would prevail over all misconceptions; and because they did not impeach my public integrity. But I confess I was not prepared to expect the aspersions which I have experienced on account of a more recent discharge of public duty. My situation on the occasion [sic] to which I refer, was most peculiar and extraordinary; unlike that of any other American citizen. One of the three candidates for the presidency presented to the choice of the house of representatives was out of the question for notorious
reasons, now admitted by all. Limited as the competition was to the other two, I had to choose between the statesman long experienced at home and aboard [sic] in numerous civil situations, and a soldier—brave gallant and successful—but a mere soldier—who, although he also had filled several civil offices, had quickly resigned them all, frankly acknowledging, in some instances, his incompetency to discharge their duties. It has been said that I had some difference with the present chief magistrate at Ghent. It is true that we did not agree on one of the many important questions which arose during the negotiations at that city; but the difference equally applied to our present minister at London, and to the lamented Bayard, between whom and myself, although we belonged to opposite political parties, there existed a warm friendship to the hour of his death. It was not of a nature to prevent our co-operation in the public service, as is demonstrated by the convention at London, subsequently negotiated by Messrs. Adams, Gallatin, and myself. It was a difference of opinion on a point of expediency, and did not relate to any constitutional or fundamental principle. But with respect to the conduct of the distinguished citizen of Tennessee, I had solemnly expressed, under the highest obligations, opinions, which, whether right or wrong, were sincerely and honestly entertained, and are still held. These opinions related to a military exercise of power believed to be arbitrary and unconstitutional. I should have justly subjected myself to the grossest inconsistency, if I had given him my suffrage. I thought, if he were elected, the sword and the constitution, bad companions, would be brought too near together. I could not have foreseen, that fully justified as I have been, by those very constituents, in virtue of those [sic] authority I exerted the right of free sufferage [sic], I should nevertheless be charged with a breach of duty and corruption, by strangers to them, standing in no other relation to them, but that of being citizens of other states, members of the confederacy. It is in vain, that these revilers have been called upon for their proofs; have been defied, and are again invited, to enter upon any mode of fair investigation and trial. Shrinking from every impartial examination, they persevere with increased zeal in the propagation of calumny, under the hope of supplying by the frequency and boldness of asserveration [sic], the want of truth, and the deficiency of evidence—until we have seen the spectacle exhibited, of converting the hall of the first legislative assembly upon earth, on the occasion of discussions which, above all others, should have been characterized by dignity, calmness and temperance, into a theatre for spreading suspicious and groundless imputations, against an absent and innocent individual. Driven from every other hold, they have seized on the only plank
left within their grasp, that of my acceptance of the office of secretary of state, which has been asserted to be the consummation of a previous corrupt arrangement. What can I oppose to such an assertion, but positive, peremptory, and unqualified denial, and a repetition of the demand for proof and trial? The office to which I have been appointed, is that of the country; created by it, and administered for its benefit. In deciding whether I should accept it or not, I did not take counsel from those, who foreseeing the probability of my designation for it, sought to deter me from its acceptance by fabricating anticipated charges, which would have been preferred with the same zeal and alacrity, however I might have decided. I took counsel from my friends, from my duty; from my conscious innocence of unworthy and false imputations. I was not left at liberty by either my enemies, or friends, to decline the office. I would willingly have declined it from an unaffected distrust of my ability to perform its high duties, if I could have honorably declined it. I hope the uniform tenor of my whole public life, will protect me against the supposition of any unreasonable avidity for public employment. During the administration of that illustrious man, to whose civil services, more than to those of any other American patriot, living or dead, this country is indebted for the blessing of its present constitution, now more than ten years ago, the mission to Russia, and a place in his cabinet, were successively offered me. A place in his cabinet at that period of my life, was more than equivalent to any place, under any administration, at my present advanced age. His immediate successor tendered me the same place in his cabinet, which he anxiously urged me to accept, and the mission to England. Gentlemen, I hope you will believe, that far from being impelled by any vain or boastful spirit to mention these things, I do it with humiliation and mortification.

If I had refused the department of state, the same individuals who now, in the absence of all proof, against all probability, and in utter disregard of all truth, proclaim the existence of a corrupt, previous arrangement, would have propagated the same charge, with the same affected confidence, that they now unblushingly assume, and it would have been said, with at least as much plausibility, that I had contributed to the election of a chief magistrate, of whom I thought so unfavourable [sic], that I would not accept that place in his cabinet which is generally regarded as the first. I thought it my duty, unawed by their denunciations, to proceed in the office assigned me by the president and senate, to render to the country the best service of which my poor abilities are capable. If this administration should shew itself unfriendly to American liberty, and to free liberal institutions; if it should be conducted
upon a system adverse to those principles of public policy, which I have ever endeavored to sustain, and I should be found still clinging to office, then nothing could be said by those who are inimical to me which would be undeserved.

But the president ought not to have appointed one who had voted for him. Mr. Jefferson did not think so, who called to his cabinet a gentleman who had voted for him,15 in the most warmly contested election that has ever occurred in the house of representatives, and who appointed to other highly important offices other members of the same house, who voted for him. Mr. Madison did not think so, who did not feel himself restrained from sending me on a foreign service, because I had supported his election. Mr. Monroe did not think so, who appointed in his cabinet a gentleman now filling the second office in the government,16 who attended the caucus that nominated him and warmly and efficiently espoused his election. But suppose the president acted upon the most disinterested doctrine which is now contested for, by those who opposed his election, and were to appoint to public office from their ranks only, to the entire exclusion of those who voted for him, would he then escape their censure? No!—We have seen him charged for that equal distribution of the public service among every class of citizens, which has hitherto characterized his administration, with the nefarious purpose of buying up portions of the community!17

A spirit of denunciation is abroad. With some, condemnation, right or wrong, is the order of the day. No matter what prudence and wisdom may stamp the measures of the administration; no matter how much the prosperity of the country may be advanced, or what public evils may be averted under its guidance, there are persons who would make general, indiscriminate, and interminable opposition.

This is not a fit occasion, nor perhaps am I a fit person, to enter upon a vindication of its measures. But I hope I shall be excused for asking what measure of domestic policy has been proposed or recommended by the present executive, which has not its prototype in the previous acts or recommendations of administrations at the head of which was a citizen of Virginia? Can the liberal and high minded people of this state condemn measures emanating from a citizen of Massachusetts, which when proposed by a Virginian, commanded their express assent or silent acquiescence, or to which, if in any instance they made opposition, it was respectful, limited and qualified? The present administration desires only to be judged by its measures, and invites the strictest scrutiny and the most watchful vigilance on the part of the public. With respect to the Panama mission, it is true that it was not recommended by any preceding administration, because the circumstances of the
world were not then such as to present it as a subject for decision. But during that of Mr. Monroe, it has been seen that it was a matter of consideration, and there is every reason to believe if he were now at the head of affairs, his determination would correspond with that of his successor. Let me suppose that it was the resolution of this country, under no circumstances to contract with foreign powers intimate public engagements, and to remain altogether unbound by any treaties of alliance, what should have been the course taken with the very respectful invitation which was given to the United States to be represented at Panama? Haughtily folding your arms, would you have given it a cold and abrupt refusal? or would you not rather accept it, send ministers and in a friendly and respectful manner, endeavour to satisfy those who are looking to us for counsel and example, and imitating our free institutions, that there is no necessity for such an alliance; that the dangers which alone could, in the opinion of any one, have justified it, have vanished, and that it is not good for them or for us. What may be the nature of the instructions with which our ministers may be charged, it is not proper that I should state, but all candid and reflecting men must admit, that we have great interests in connection with the southern republics, independent of any compacts of alliance. Those republics, now containing a population of more than 20 millions, duplicating their numbers probably in periods still shorter than we do, comprising within their limits the most abundant sources of the precious metals, offer to our commerce, to our manufactures, to our navigation, so many advantages, that none can doubt the expediency of cultivating the most friendly relations with them. If treaties of commerce and friendship, and liberal stipulations in regard to neutral and belligerant rights, could be negotiated with each of them at its separate seat of government, there is no doubt that much greater facilities for the conclusion of such treaties present themselves at a point, where all being represented, the way may be smoothed, and all obstacles removed, by a disclosure of the views and wishes of all, and by mutual and friendly explanations. There was one consideration which had much weight with the executive in the decision to accept the mission, and that was the interest which this country has, and especially the southern states, in the fate and fortunes of the island of Cuba. No subject of our foreign relations has created with the executive government, more anxious concern than that of the condition of that island, and the possibility of prejudice to the southern states, from the convulsions to which it might be exposed. It was believed, and is yet believed, that the dangers which, in certain contingencies, might threaten our quiet and safety, may be more successfully averted at a place, at which
all the American powers should be represented, than any where else. And I have no hesitation in expressing the firm conviction, that if there be one section of this union more than all others interested in the Panama mission, and the benefits which may flow from it, that section is the south. It was therefore, with great and unaffected surprise, that I witnessed the obliquity of those political views, which led some gentlemen from that quarter, to regard the measure as it might operate on the southern states, in an unfavorable light. Whatever may be the result of the mission, its moral effect in Europe will be considerable: and it cannot fail to make the most friendly impression upon our southern neighbors. It is one of which it is difficult, in sober imagination, to conceive any possible mischievous consequences, and which the executive could not have declined, in my opinion, without culpable neglect of the interests of this country, and without giving some dissatisfaction to nations, whose friendship we are called upon by every dictate of policy to conciliate.

There are persons who would impress on the southern states, the belief that they have just cause of apprehending danger, to a certain portion of their property from the present administration. It is not difficult to comprehend the object, and the motive of these idle alarms. What measure of the present administration gives any just occasion, for the smallest apprehension to the tenure by which that species of property is held? However much the president and the members of his administration may deprecate the existence of slavery among us as the greatest evil with which we are afflicted, there is not one of them that does not believe, that the constitution of the general government confers no authority to interpose between the master and his slave, none to apply an adequate remedy, if indeed, there be any remedy within the scope of human power. Suppose the object of these alarmists were accomplished, and the slave holding states were united in the sentiment, that the policy of this government, in all time to come, should be regulated on the basis of the fact of slavery, would not union on one side, lead to union on the other; and would not such a fatal division of the people and states of this confederacy, produce perpetual, mutual irritation and exasperation, and ultimately disunion itself? The slave holding states cannot forget that they are now in a minority, which is in a constant relative diminution, and should certainly not be the first to put forth a principle of public action by which they would be the greatest losers. I am but too sensible of the unreasonable trespass on your time which I have committed, and of the egotism of which my discourse has partaken. I must depend for my apology upon the
character of the times, and the venom of the attacks which have been made upon my character and conduct, and upon the generous sympathy of the gentlemen here assembled. During this very journey, a paper has been put into my hands, in which a member of the house of representatives is represented to have said, that the distinguished individual at the head of the government and myself, have been indicted by the people. If that be the case, I presume some defence is lawful. By the bye, if the honorable member is to have the sole conduct of the prosecution, without the aid of other counsel, I think that it is not difficult to predict, that his clients will be non suited, and that they will be driven out of court with the usual judgment pronounced in such cases, (Great applause). In conclusion I beg leave to offer a toast, which, if you are as dry as I am, will I hope be acceptable for the sake of the wine, if not the sentiment. Mr. Clay then gave

The continuation of the turnpike road which passes through Lewisburg, and the success to the cause of internal improvement under every auspices.

He then took his seat amid the repeated cheers of the whole company.

[Volunteer Toasts]

G. W. Stribbling. Henry Clay, if, as has been said, a good man only can be an orator, we have had abundant evidence of the falsity of the foul accusation of his enemies.

Wm. Cary. Virginia material, and Kentucky workmanship:
Let Browere, the Artist, his genius display,
In moulding from plaster the Busts of our sages:
Dame Kentucky has made, from Virginia Clay,
A statesman whose fame shall outlive future ages.

John Simpkins. Our Guest: A sage statesman in the Councils of our Nation, a prop to the Internal Improvement of our country: may we, when human nature shall have misguided him in any part of his political round, be rallied by the pleasing recollection of his past services, to pick the political flint of his error, and try him again.

Thos. P. Atkinson, of Halifax. Our distinguished guest. We toast him as the able defender of the rights of man and the advocate of free principles throughout the world: let his exertions in the cause of South American and Grecian independence speak his praise.
The formal toast and speech are from Niles’ Weekly Register, XXXI (September 23, 1826), 60-62; the volunteer toasts are from Washington National Journal, September 12, 1826, reprinted from Lewisburg (Virginia) Palladium.

1 For example, cf. above, III, 294, 295n.
2 Cf. above, III, 758, 782, 784, 789, 793, 827.
3 The War of 1812.
4 Cf. above, Clay to Brooke, January 28, 1825.
5 Andrew Jackson had resigned as a member of the United States Senate after serving only from December 5, 1796, to March 3, 1797, and from March 4, 1823, to October 14, 1825: he had declined remaining as Governor of Florida more than four months (from March 10 to July 18, 1821); and he had rejected appointment as Minister to Mexico.
6 See above, I, 1003-1005; III, 220-21, 225, notes 5 and 7; IV, 159-61.
7 Albert Gallatin; James A. Bayard.
8 Above, II, 57-59. 9 See above, II, 636-62.
9 See above, IV, 155-56.
10 See above, Cirtenden to Clay, April 27, 1826, note 7.
11 See above, Appeal, February 3, 1825.
12 See above, Crittenden to Clay, April 27, 1826, note 7.
13 See above, II, 89, 226, 233.
14 See above, II, 391n.
15 Albert Gallatin had been appointed Secretary of the Treasury in May, 1801. Jefferson’s Attorney General, Levi Lincoln, Sr., had also been a member of Congress, elected to the House of Representatives on Decembr 19, 1800, to complete an unexpired term. (Lincoln was later Lieutenant Governor and acting Governor of Massachusetts; he had died in 1820.) Both men had voted for Jefferson.
16 Vice President John C. Calhoun.
17 Possibly an allusion to criticisms of the administration expressed in remarks by George McDuffie at a dinner in his honor, held at Edgefield, South Carolina, on July 19 (cf. below, this document, note 21). McDuffie had there referred “to the silent, unseen and pervading influence which an administration who have no moral scruples can exercise over the public opinion of the community, through the agency of hired presses, ambitious aspirants, interested partisans, and the whole rabble of mercenary dependants [sic] and office hunters, who are always ready to obey the beck and execute the commands of those in power. . . .” He charged that “an administration that came into office against the national will, is artfully and insidiously attempting to perpetuate its power, by the use of its patronage. . . .” Niles’ Weekly Register, XXXI (September 2, 1826), 18.
18 See Charles Wilson Hackett, “The Development of John Quincy Adams’s Policy with Respect to an American Confederation and the Panama Congress, 1822-1825,” Hispanic American Historical Review, VIII (1928), 496-526. United States ministers to Colombia, Peru, Chile, and Buenos Aires had all reported the developing support for such an assembly, but as late as January 10, 1825, John B. Prevost had expressed regret “that the silence maintained by the Department on this head does not allow me to express the concurrence of the President, so as to give effect to the Invitation at one time contemplated.” Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1777.
19 Above, Salazar to Clay, November 2, 1825; Obregón to Clay, November 3, 1825; Cañiz to Clay, November 14, 1825.
20 Cf. above, Hammond to Clay, April 7, 1826, note: Clay to Hammond, April 19, 1826.
21 That Clay referred to McDuffie’s speech cited above, this document, note 17, seems indicated by the comment of Hammond to Clay, below, September 27, 1826; but specific reference to popular indictment has not been found.
22 A road from the Allegheney Mountains to the falls of the Kanawha River, known as the old Stone Road, had been built by the James River Company in 1786 and extended to the Ohio River in 1800; but since it was in “terrible condition” and salt works on the Kanawha River assured profitable development, agitation for improvement had continued. By act of February 7, 1820, the Virginia Legislature had modified the charter of the original company to permit construction of a new road from the James River to the Great Falls of the Kanawha and to improve the river to its junction with the Ohio. By 1824 this James River and Kanawha Turnpike had been completed between Lewisburg and the falls, with an extension partly opened to Montgomery. Three years later the road was extended to about 26 miles above Charleston. Westward to the Big Sandy travel was possibly only by horseback or light carriage. An act for extension of the turnpike from Charleston to the Big Sandy was passed in 1829. James Morton Callahan, Semi-Centennial History of West Virginia . . . (Charleston, W. Va.), 1913, 92-96. The same author concludes: “The extension to the Big Sandy was probably influenced by the expectation encouraged by the assurance of
Clay in 1826 that Kentucky would thereby be induced to make a good road from the Big Sandy to Lexington."

23 Not identified.

24 Not identified.

25 John Henri Isaac Browere, of New York, a sculptor, famous for his masks of great Americans. He had gained national recognition after preparing one of Lafayette in 1825.

26 Not identified.

27 Atkinson, probably a physician, was a prominent Presbyterian and from 1827 to 1828 and from 1832 to 1834 a member of the board of the Union Theological Seminary, formed in association with Hampden-Sydney College (founded at Hanover, Virginia, in 1823).

From William B. Rochester

Honble. H. Clay


Dear Sir

I have been suddenly called to this State, to attend to a Chancery suit of some 30 years pendency, founded on transactions in 1776 of my Father’s Step-Father,1 as the surviving Exr. of whom my Father is implicated as a party— I find that I shall be probably detained here until the termination of the Sept. term of the Cir: Court for this County, which commences its Session on the 11th. proximo.— if so—I shall hardly be able to reach home before the last week in Sept.— Allow me to express a hope that the urgency of the Public Service is not such that I may not be spared time eno’ to visit my family once more and to spend with them a few days previously to being ordered off to S.A.2—

I do not think that either you or Mr. Sergeant3 have yet intimated to me the probable time of our departure in the fall, indeed have [sic] supposed that would depend upon advices expected from Mr. Anderson4 whose own immediate visit to the U.S. I apprehend, will be postponed, if not prevented by the delay, in his receiving the despatches committed to Mr. Wharton, produced by the Shipwreck of the latter near Turk’s Island5—

I wou’d endeavour to amuse you a little with a glance at the Political thermometer of this region, if I did not hope soon to have the pleasure of paying my respects to you in person as I return thro’ Washngtn.— Of New-York, (by the bye, of the meanderings of some of whose great men I begin to think I know less than I do even of the Utopian political philosophy of the Maconians6) You are doubtless aware that our Govr.7 lately took a tour thro’ the southern tier of her counties, to whose inhabitants he has promised a genuine Mc.Adamized [sic] road extending paralel [sic] with the Canal from the Hudson’s river to Lake Erie— You may judge how this thing has taken when I tell you that our old friend Genl. McClure8 presided at a dinner given to his Excellency in Bath, and gave as the leading toast their illustrious guest—(sitting at his elbow) the greatest publik Benefactor that the human race ever
had or ever could expect to have!! I do not pretend to give the Genl.'s toast in *haec verba* but such was its cue and bearing—

I happened to return, from a short excursion upon lake Erie, to Buffalo on the day after Mr. Clinton left that village in July for Albany— I found that he had only a few hours before been holding a long & free conversation with Mr. Tracy on the subject of the last Presidential election & of the prematurely agitated question of the next— To Mr. T. he avowed his support of Genl. J. at the late election justifying his preference by the declared conviction that his elevation was best calculated at the time to ensure tranquillity [*sic*] to the Nation & harmony in our national councils— he even took credit to himself in having done the genl. some service in Jersey but went on to say that the aspect of things was now changed— Without [*sic*] expressly saying so, he induced T. to believe that he would cordially aid in the re-election of Mr. Adams—

For my part I shall not very soon again venture to predict what his *policy* and course may be, further than to surmise, that, if Mr. T. be not mistaken & Mr. C. does not all the time have reference to his own immediate & pressing pretensions, he begins to make some calculation upon the aid of Providence in throwing the present Secty. of State *hors de combat* on or before the 4th. day of March A.D. 1833. or upon what is almost too preposterous to suppose, viz that the President will magnanimously decline in his favour at the end of 4. years! the first hope I know is indulged in by some of his satellites and the last has been entertained by men whom I had suspected of more intelligence than such an expectation seems, in my humble view, to indicate On the foregoing hypothesis if Genl. Jackson would only *Ambristre* [*sic*]1° the V.P.11 he might possibly secure our Govr., provided nevertheless that he does not put an extinguisher upon the universal understanding of the V. Prests friends & those of Mr. V. B.,12 i.e, that the *People's candidate*13 will be satisfied with a four year's tenure—

In Washington about the 22d. inst. I met with an officer of the Army (devoted to the military candidate) who had just passed from the north thro' New-York on his way to the *South West* and who almost acknowledged to me that he was an authorised [*sic*] political emissary to Mr. Clinton in the Summer of 1825— At that time this Gentleman was verbally authorized by Mr. Clinton to say to Genl. J. that he preferred him— even to himself!!!— in his late passage thro' the State, emboldened by Mr. Clinton's former *sincerity* unreservedness, *magnanimity*, patriotism, devotion to the known wishes & best interests of the People &c &c & that Sort of thing, he ventured in the simplicity of his heart about the beginning of this month to approach Mr. C with the freedom which he supposed their former interview invited or at least excused— “but Oh!
how altered, Mr. C. stood upon his dignity— was silent as the grave & frowned him into Silence”— in a word, he was quite disgusted at his coyness combined with mock solemnity, and his total want of that ingenuousness which Characterized his communications only one short year back and he should take especial care to let Genl. Jackson’s friends know that Mr. Clinton was not to be depended on—this seems to corroborate Mr. C’s statement to Tracy So far as it respects Genl. J.

After all it may be looked upon as a matter of equal doubt on every side in whose scale Mr. Clinton’s weight will finally be thrown and whether it is not in keeping for self preponderancy and this uncertainty will remain until after our approaching State election in N.Y & possibly until some time after the meeting of our Legislature in Jany.— in the interim the Giant must be suffering vast suppressed agitations and there can be little doubt but mighty efforts are making at him & round about him with the military espontoons— the idea is a vulgar one but he seems to me like a great Bull baited— among others Mr. V. Buren is poising towards him with much dexterity—

but what have I done— I sat down to ask an official indulgence if consistent, and find that I have spun out a thread having as little connection with my object—as the rhapsodies [sic] of a certain maniac not now in the U. S.14 and must therefore mark it for private perusal only— I am Dr. Sir very truly Yrs. &

WM. B. ROCHESTER

Thursday morning

Ought the enclosed scroll to be sent—? dubitatur— it was written last night during a vacant hour to avoid a work engagement to which I was tempted— I find it this morn; replete with faults only amendable in the mode resorted to by the Publisher who (having the convenience of a fire near him) obeyed the wishes of the author who bequeathed to him a mass of Manuscript accompanied with a request on the part of the testator that his legatee should lose no time in enlightening the World with them— besides it is marked by a familiarity & raciness which the disparity in our ages & condition should forbid and which nothing but kindness and oft-tried indulgence such as yours could excuse—

I shall take care not to Sin in like manner again WBR—

ALS. DLC-HC (DNA, M212, R2), “private.” Endorsed on verso by Clay: “... {Not necessary to be answered}”

1 Thomas Critcher, who, after marrying Nathaniel Rochester’s widowed mother, had moved his family from Westmoreland County, Virginia, to Granville County, North Carolina, in 1763.
3 John Sergeant.
4 Richard C. Anderson, Jr. Cf. above, MacPherson to Clay, July 26, 1826.
5 See above, Wynns to Clay, July 25, 1826.
Tavern Account

[August 30, 1826]

Dr. Henry Clay 1 Sevt. 1 2 Horses
Aug 22d To Suppr. Toddy 1/6 do 1/6 50 Aug 30th. By Cash
29 Toddy 9d 12½
To 10 ds board 11 45
1 Sevt. 5 72
2 Horses 11 45
To Cash 75

$30.00


INSTRUCTIONS AND DISPATCHES August 30, 1826

From John J. Appleton, Leghorn. Reports that he has brought his “Agency at Naples to a close”; encloses copy of a letter he has sent “to Mr. [Luigi di] Medici”; states that he has left with (Alexander) Hammett “the papers in support of our claims” (against Naples); recommends Hammett for appointment as secretary to a minister, should one be sent there, or to some other post, since his “consulate . . . no longer produces sufficient emolument to pay office rent. . . .” ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R-16). Received November 14. Published in Senate Docs., 22 Cong., 2 Sess., no. 70, pp. 17-19. On the recommended reappointment of Hammett, cf. above, Clay to Appleton, May 12, 1825, note.

From William Tudor, Lima, no. 48, “Confidential.” Reports that Commodore (Isaac) Hull has communicated to him “the instructions from the Secretary of State,” concerning the Peruvian decree of April 17, 1825 (above, Clay to Hull, December 20, 1825); that, at Hull’s request, he has called on (José María de) Pando, who “entirely disavowed any intention of extending the decree beyond the jurisdictional limits of Peru, so as to authorize captures at sea, or that it was intended to exceed a municipal regulation”; and that, in view of this statement, he and Hull agree “that it would be inexpedient at present, to enter into any correspondence on this subject.” Refers to his “letters Nos. 27 & 29 [April 22, May 26, 1825] to the department of State” relative to the decree. Notes that “The decree . . . was singularly rash” but that “It has never . . . been thought of since or attempted to be enforced”; that “Its object was to alarm Spain”; and that “it would perhaps never have been heard of, had not the Abbé de Pradt in his pamphlet on the Congress of Panama, thought proper to vaunt it as a measure of so much wisdom & importance.” Adds that additional persons have been exiled and that the date of (Simón) Bolivar’s departure “is not yet fixed. . . .” ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received January 10, 1827. The Abbé de Pradt’s small volume entitled Congrès de Panama had been first published at Paris in 1825, then
translated and published in two Spanish editions, one at Mexico (City) in 1825 and the other at Bordeaux in 1826.

MISCELLANEOUS LETTERS August 30, 1826


APPLICATIONS, RECOMMENDATIONS August 30, 1826


APPLICATIONS, RECOMMENDATIONS August 31, 1826

DANIEL B. PRICE, Nicholasville, Kentucky, recommends Granville Lewis, a lawyer who has practiced at Huntsville (Alabama) "for several years," as successor to (Francis) Jones. Adds that Lewis "studied law with Col. James Clark in Lexington" and Nicholasville and "is a near relative of Capt. Samuel H Woodson." ALS. DNA, RG59, A. and R. (MR3). Lewis, not further identified, received no appointment. James Clarke, of Nicholasville, had been a member of the Kentucky House of Representatives in 1820. Lewis' relationship to Woodson not found.

INSTRUCTIONS AND DISPATCHES September 1, 1826

From ROBERT ANDERSON, "Quarantine near N. Y." Reports his arrival, "this morning," bringing the papers of his "deceased Brother R. C. Anderson"; notes that among the papers "are the dispatches entrusted to the care of Mr [Clifton] Wharton, who was too unwell when the vessel left Cartagena to sail in her." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Copy. in MHi-Adams Papers, Letters Received (MR477).

From ALEXANDER H. EVERT, Madrid, no. 48. Notes that (Manuel Gonzales) Salomón is not likely to be confirmed as Secretary of State and that the Duke of San Carlos, recently returned from St. Petersburg, may assume that position; speculates on the reasons that caused the Duke del Infantado to lose favor with the King (Ferdinand VII). Cites a statement "by the Ministers representing the Holy Alliance from their Governments" that "provided the Portuguese Government act with discretion and abstain from all attempts to propagate a revolutionary spirit in other countries they on their part shall
not distrust them” (cf. above, Brown to Clay, July 26, 1826); observes that Portugal is “far from being quiet.” Encloses a plan under discussion by the Board of trade for opening trade between Spain and the colonies; comments that this action probably does not presage recognition “of the independence of the colonies.” Reports that he is to confer with Salmón “this evening” on the subject of indemnities (see above, Everett to Clay, June 2, 1826). LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Extracts published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2135-36.

José de Caravajal y Manrique, third Duke of San Carlos, Count of Puerto and Castillejo, long a close supporter of Ferdinand VII, had, for several months in 1814, served as Minister of State and for nearly a decade thereafter had been director of the Spanish Royal Academy. He had held brief diplomatic assignments in Paris, London, Lisbon, and, most recently, St. Petersburg, where he had been sent as Ambassador Extraordinary to compliment Nicholas I upon his accession. On Salmón’s appointment as Secretary of State, cf. above, Everett to Clay, August 20, 1826, note. The Duke of San Carlos went, instead, as Minister to Paris, where he died in 1828.

The enclosed trade plan provided that friendly foreign flags might carry manufactures and produce between Spain and her American colonies, including her “ci-devant” possessions. To this date Spain had licensed such trade on only an individual basis. The Board of Trade did not recommend suspension of transit duties on foreign carriers. For implementation of these proposals, cf. below, Everett to Clay, February 15, 1827.

From Condé Raguet, Rio de Janeiro, no. 14. Reports the capture, by a (Brazilian) brig of war, of the brig Ruth, of Philadelphia, bound from Gibraltar to the River Plate; notes his strong protests relative to the inhumane treatment of the crew; and encloses a copy of a note from the Minister of Foreign Affairs (Inhambué) stating the decision of the Emperor (Peter I) to release the prisoners upon Raguet’s becoming “responsible for their appearance, in case upon trial, they should be found guilty of . . . an attempt to retake the vessel.” Continues, on September 2, reporting that the Leonidas “has been given up upon bonds, but her case [see above, Bond to Clay, June 30, 1826] has not been adjudicated”; summarizing progress in the case of the Spermo (see above, Raguet to Secretary of State, March 11, 1825, note), now before the Supreme Military Council; and noting that he has not received details regarding the schooners Lafayette and Camilia, of Baltimore, detained in the River Plate, then released. Discusses the mounting unrest in Brazil, the protest against recruiting tactics, and the growing public debt. Adds that Lord Ponsonby sailed for Buenos Aires, August 29, “having wholly failed in the object of his mission . . .” (see above, Forbes to Clay, June 17, 1826), and that he (Ponsonby) forecasts dismemberment of the Brazilian empire. ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received October 19. Extract published in American State Papers, Foreign Relations, VI, 1030-32.

INSTRUCTIONS AND DISPATCHES September 2, 1826

From W[illiam] H. D. C. Wright, Rio de Janeiro. Reports that the Leonidas, “from Canton for Buenos Ayres,” captured “upon the charge of her cargo being Buenos Ayrean,” has been released on bond, “which . . . is tantamount to an acquittal. . . .” Reports also the capture of the Ruth, the mistreatment of her officers and crew, and the release of these men from imprisonment “upon
the strenuous remonstrances of Mr [Condy] Raguet. . . ." ALS. DNA, RG59, Cons. Disp., Rio de Janeiro, vol. 2 (M-T172, R3). Received October 17.

APPLICATIONS, RECOMMENDATIONS September 2, 1826

From G[EOGE] W. OWEN, Claiborne (Alabama). Encloses two letters (not found), addressed to himself, recommending an appointment to fill "a vacancy in office" in Alabama. Adds: "For my own part I have no wishes or feelings to gratify, I have no doubt but a man worthy & well qualified [sic] will be appointed—& that is all I ever desire— I hope Sir, that you enjoy good health & that the next winters we may spend together at the Metropolis & in our Government, may be ever marked by the same personal good will that has heretofore existed on my part toward you & that I have flattered myself you had recipocated [sic]—" ALS. DNA, RG59, A. and R. (MR1). Endorsed by clerk: "Byrd Brandon. . . ." Cf. above, Birney to Clay, August 5, 1826, note.

INSTRUCTIONS AND DISPATCHES September 4, 1826

From ALBERT GALLATIN, London, no. 6. Reports that he has delivered his letters of credence to the King (George IV) and that he has an appointment for a conference with (George) Canning, who will soon begin a month's absence. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received October 18.

Canning's departure from London for Paris was occasioned by his desire to confer with Count Pozzo di Borgo, the Count de Villèle, and the Baron de Damas regarding the tensions developing between Portugal and Spain over the encouragement given in the latter country to Portuguese deserters, who had crossed the border rather than take the oath of allegiance to the constitution prescribed by Peter IV (see above, Brent to Clay, August 3, 1826).

From ROBERT MONROE HARRISON, Antigua, "Private." Complains of the conduct of Robert Laurence, of New York, a disappointed applicant for the consulship at Antigua, until recently a resident of that island; mourns the loss at sea of a son (Charles P. C. Harrison), a midshipman aboard the Spark; requests an appointment within the United States. ALS. DNA, RG59, Cons. Disp., Antigua, vol. I (M-T327, R1). Received October 1. Laurence not further identified.

MISCELLANEOUS LETTERS September 4, 1826

From Rufus BACON, Freetown (Massachusetts). States that, in the case of the schooner Minerva (see above, Keith to Clay, March 11, 1825; Anderson to Clay, March 18, 1825), "A part of the owners & charterers of the vessel, find it necessary to ascertain the precise amount of the several sums allowed for vessel, cargo, interest & demurrage, in order to settle with their agent—" Requests certified copies of pertinent documents in the State Department. ALS. DNA, RG76, Misc. Claims, Colombia. Bacon was a lawyer in Freetown.

In reply, Daniel Brent forwarded, on September 21, "a statement, comprizing the particulars required. . . ." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 985 (M40, R19).

From John I. McChesney, Bridgeton, New Jersey. Requests "information about the compensation for printing the Laws, this being the third time . . . [he has] written on the subject"; he has "every reason to believe that dishonest means
have been taken to collect that money.” ALS. DNA, RG59, P. and D. of L. Cf. above, McChesney to Clay, August 20, 1826.

INSTRUCTIONS AND DISPATCHES September 5, 1826

From J[ohn] M. Forbes, Buenos Aires, no. 40. Notes that he expects soon to see Commodore (James) Biddle, through whom he hopes “to be fully informed of the views of Government in relation to this war, and especially on subject [sic] of blockade,” and that he is “anxious for the . . . approval of the President and Secretary of State” for his protest (cf. above, Forbes to Clay, February 14, 1826). States that the constitution, a copy of which is enclosed, has been submitted to Congress and that a Minister (to the United States) has been settled on but that, because of “the casualties to which this communication may be exposed,” he will not here identify him. Expresses a hope that his sympathy for the Republic in its war with Brazil “will not be disapproved by” his own government. Refers to “a dark cloud of suspicion . . . rising about the hitherto, bright republican fame of [Simón] Bolivar,” because of the “monarchical tendencies in his proposed Constitution of Bolivia” and reports of troops being sent from Peru to Chile in support of (Bernardo) O’Higgins (cf. above, Allen to Clay, June 29, 1826). Cites the expectation of “the arrival of Lord Ponsonby, but, it is presumed, entirely without any consolation to the sufferings of the Government and Country” (cf. above, Raguet to Clay, September 1, 1826). Remarks on “the calamitous operation of a rapidly depreciating currency . . .” LS. DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Received December 29. Published in Espil (comp.), Once Años en Buenos Aires, 441-44.

APPLICATIONS, RECOMMENDATIONS September 5, 1826


INSTRUCTIONS AND DISPATCHES September 6, 1826

From Alexander Burton, Cádiz. Reports decision of the Spanish Government concerning the Royal order of August 25, 1825, as applied to vessels exporting salt and barilla. ALS. DNA, RG59, Cons. Disp., Cádiz, vol. 4 (M-T186, R4). Received November 2. Cf. above, Everett to Clay, August 28, 1826.

From J[oe]l R. Poinsett, Mexico, no. 56. Reports that the Mexican delegates, recently returned from the Panama Congress, “talked of little else than the ambitious projects of [Simón] Bolivar.” Cites fears that Colombia is destined for another revolution. Notes that “the Plenipotentiaries of the Allied Republics” are to meet annually “so long as the common war continues, and every two years in time of peace”; the Congress will reconvene at Tacubaya; the invitation “is to be renewed to the neutral and friendly powers”; and “our Plenipotentiaries need not be here before the month of February next.” States that “the Peruvians are disposed to unite themselves more closely with Mexico, not being very well satisfied with their present subjection to Colombia.” Com-
ments on "the very extraordinary sentiments contained in [Manuel Lorenzo de] Vidaurre's speech on the opening of the Congress," a discourse that Vidaurre "never delivered . . . , but published . . . without the knowledge of his colleagues," some of whom protested. Adds that he has suggested to the Mexicans "the propriety of publishing a notice of what took place on that occasion" and that the same might well be done in the United States newspapers. LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received October 24. Extracts published in American State Papers, Foreign Relations, VI, 361.

The remarks by Vidaurre had been published in the Gazeta Extraordinaria of Panama on June 23, the day after the Congress had convened. Noting that the Colombian delegates entered a formal protest against Vidaurre's remarks, Joseph B. Lockey, in Pan Americanism, 365n, implies that the opposition grew out of reaction to Vidaurre's extravagant statement of the importance of the gathering, his charge to the delegates that this would "be the last opportunity for the attempt to prove that man can be happy" and his assurance that their labors would bring them "eternal honor or perpetual shame." Perhaps more pertinent in rousing resentment was Vidaurre's warning that the two great dangers to the Spanish-American states were, first, "The desire of aggrandizement in one state at the expense of another, and [second,] the possibility that some ambitious individual will aspire to enslave and tyrannize over his fellow citizens." He had expressed contempt for the power of Spain to recover her possessions, had recommended that the latter states take decisive measures to force recognition of their independence, but had pledged "sincere reconciliation" as an aftermath. He had called for ending the slavery of the "poor African" and for endowing him "with equal privilege with the white man." The basis of confederation, Vidaurre had maintained, rested upon "Peace with the whole world; respect for European governments, even where their political principles are diametrically opposed to those acknowledged in America; free commerce with all nations, and a diminution of imposts on the trade of such as have acknowledged . . . independence; religious toleration. . . ;" Washington National Journal, September 13, 1826. The speech was published in the United States without explanation that it had not been delivered before the assembled body.

MISCELLANEOUS LETTERS September 6, 1826

From J[ohn] Speed Smith, Richmond (Kentucky). Encloses a letter, addressed to himself, from (Richard G.) Williams, of Richmond; requests that it be passed on to the War Department, if it should go there; reports having "learned with pleasure a few days since when in Lexington that . . . [Clay's] health was much improved by . . . [his] trip to Lexington"; closes "with every wish for . . . [Clay's] success & happiness . . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). The enclosure relates to a robbery committed on Williams and other Americans by Indians in Mexican territory "this spring"; Williams (not further identified) wishes the incident to be made known to the United States Government, which, he hopes, will seek compensation for him from Mexico; he also asks Smith to request Clay to use his influence should the matter come before Congress.

APPLICATIONS, RECOMMENDATIONS September 6, 1826

John McKeel, Tuscaloosa (Alabama), transmitting four letters relative to a successor to F(ranccis) Jones as district attorney for Northern Alabama, states
that he has only "a slight personal acquaintance" with (Thomas T.) Crittenden "and none with Mr. [Byrd] Brandon." ALS. DNA, RG59, A. and R. (MR3). Cf. above, Crittenden to Clay, August 17, 1826, note.

The enclosures include recommendations of Crittenden by one Barton (possibly Seth; first name of signature illegible) and by C(lement) C(omer) Clay and of Brandon by Henry W. Collier, together with an application by Brandon, all addressed to McKee.

Seth Barton, born and educated in Virginia, had settled at Tuscaloosa in 1821 and had been elected to the State legislature in 1825. In 1830 he removed to New Orleans, where he continued legal practice.

Clement Comer Clay, born in Virginia and reared in Knoxville, Tennessee, had begun the practice of law at Huntsville, Mississippi Territory, in 1811. After service against the Creek Indians in 1813, he had been a member of the Alabama Territorial Council in 1817 and 1818, judge of circuit court in 1819, and chief justice of the State from 1820 to 1823. He later became a member of the State House of Representatives (1827 and 1828), Congressman (1829 to 1835), Governor of Alabama (1836, 1837), United States Senator (1837-1841), and associate judge of the State Supreme Court (1843).

Collier, also Virginian by birth, had been educated in South Carolina and trained for law at Nashville, Tennessee. He had been admitted to the bar at Huntsville, Alabama, in 1822 but had removed the following year to Tuscaloosa. He was elected to the State legislature in 1827 and to the State Supreme Court in 1828. After long service on the bench, he was Governor of Alabama from 1849 to 1853.

WILLIAM L. REANEY, Boston, again solicits an appointment, preferably to one of the "vacancies abroad." ALS. DNA, RG59, A. and R. (MR3). Cf. above, Van Ness to Clay, September 7, 1825, note; Reaney to Clay, September 22, October 25, December 23, 1825; February 20, April 10, 1826.

From John Geddes

Charleston September 7th. 1826.

I had the honor to receive your favor of the 22d. day of July last, some time since, an answer to which has been delayed until now in consequence of your absence from Washington. I anticipate that this will be received on your arrival there, and most sincerely hope your tour has been the means of restoring you completely to Health.

It is a source of great satisfaction to me, to learn that the administration is gaining in popularity throughout the Union, and that the malignity of its enemies, rather tend [sic] to advance, than diminish the high and honorable standing it had acquired. You Justly observe that the West will not disappoint our expectations, and it may be added that the East will be equally firm: With such a powerful force united with the influence of the government in other Sections of the Union, what can the opposition expect but a shameful defeat? The political maniae [sic], for a military President, is gradually diminishing, and will ultimately leave his supporters
with little hope of Success. The friends of the administration in
this district, have maintained a ground which has astonished the
friends of General Jackson— It's [sic] beneficial influence however,
will perhaps be felt more in our Sister States, than in any strong
move which can be immediately made here in our Elections, until
an opportunity is afforded the administration, to Co-operate with
their friends by a removal of those from office, who are opposed to
them, and whose individual, as well as official influence is constantly
exerted in our Elections to depress the former, and advance the
latter—

Our friends are willing to make every exertion and sacrifice [sic],
in promoting the election of those favourable to the administration,
but it will be a hazardous game without such assistance— It will
be playing with every probability of the odds being against them,
in the out set, which has a tendency to dispirit the sincere, and
alinate [sic] the luke-warm.

I must refer you to my former letters, and to such as I addressed
to the President (after I heard of your departure from Washington)
for the political operations which took place in this City.

I think there is little doubt, but that Judge Smith will be elected
Senator in the room of Mr. Gaillard in opposition to Judge Huger who is violently opposed to the present administration, and took
occasion at the Jackson meeting to declare that it was raised by
corruption, and that it must be put down &c. It is astonishing to
what extent in bitterness disappointment carries the enemies of the
Administration. Our disposition has been to observe a firm,
dignified course, as most becoming us, and the honor of those we
advocate: It was at my instance the administration meeting was
called, for the purpose of counter acting the Jackson meeting. It
has had, in all probability a more beneficial influence in our Sister
states than in our own— Georgia has indeed been surprized [sic] at
us, but we are indifferent to her opinion—. We think her more
factious than Democratic.

As I write in great haste, be so good as to excuse my style &c. I
must now conclude by wishing that all your patriotic labours may
be crowned with Success, and that they May tend to the advance-
ment of the honor and prosperity of our common Country. I have
the honor to be, Dear Sir, with great respect Your obedient Servant.
The Honorable Henry Clay Washington JOHN GEDDES.

ALS. DLC-HC (DNA, M212, R2). Geddes, born and educated at Charleston, South
Carolina, had been admitted to the bar in 1797 and had served as speaker of the State
House of Representatives in 1810 and 1812, Governor from 1818 to 1820, and mayor of
Charleston from 1821 to 1823.

1 Not found. 2 Not found.
3 William Smith was chosen over Daniel E. Huger to fill the seat left vacant by
the death of John Gaillard. Huger, a graduate of Princeton College, had been a
member of the South Carolina House of Representatives from 1804 to 1819 and a militia officer in the War of 1812. He was circuit judge from 1819 to 1830, returned to the State House of Representatives in 1830, and served as United States Senator from 1843 to 1845.

4 Cf. above, Bellinger to Clay, July 29, 1826.

APPLICATIONS, RECOMMENDATIONS

September 7, 1826

Ezekiel F. Chambers, Chestertown (Maryland), recommends Edward Dubois for a clerkship in the State Department. ALS. DNA, RG59, A. and R. (MR2).

"In the absence of the Secretary," Daniel Brent acknowledged, on September 13, receipt of this letter and stated "that there is no vacancy whatever in this Department, nor probability that there will be one." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 382 (M40, R19).

Check to Hugh Caperton

Sweet Springs1 9th. Sepr. 1826.

Pay to Hugh Caperton or order One hundred dollars.
Cashr. of the Off. Bank U. States Washington City2

H. Clay

ADS. DLC-TJC (DNA, M212, R16). The last of three endorsements on verso includes the signature of "John White Cash[ier]." Caperton, merchant and planter of Monroe County, Virginia (now West Virginia), had been a member of the State legislature (1819-1818) and of Congress (1813-1815) and was again in the State legislature from 1826 to 1830.

1 In Monroe County.

2 Richard Smith.

From John Quincy Adams

Henry Clay—Secretary of State. Quincy 9 September 1826. Dear Sir.

I enclose herewith a Letter received this morning from the Governor of the State of New-York, together with two papers transmitted with it being copies, of Resolutions, drafted at a Meeting of Inhabitants of the County of West Chester, in that State, and of a Deposition of John Owen.

I have no other knowledge of the facts to which these Papers refer. I presume this Letter will reach you at Washington— If upon Consideration of the Subject, and upon consultation with the other members of the Administration there, you should be of opinion that the Executive Authority is competent to release Gilbert Horton, as desired by the Governor of New York, I wish it may be done immediately— If you should conclude that the remedy for the complaint (if well founded) is exclusively within the competency of the Judicial or of the Legislative Authority, you will act conformably to that opinion, upon the Governor's Letter, and give him as soon as possible, information of the result.
Accept my Respectful and friendly Salutation.

JOHN QUINCY ADAMS.

ALS, DNA, RG59, Misc. Letters (M179, R64).

1 DeWitt Clinton.

2 The resolutions refer to an advertisement in the Washington Daily National Intelligencer, August 1, concerning Gilbert Horton, Negro, "who claims to be a free-born native of this County," who had on July 22 been jailed in the city of Washington, and who, "unless claimed as a slave, ... will be sold as such to pay his jail fees as the law directs." The document expresses the indignation of the meeting, calls on the Governor "to demand from the authorities the instant liberation of the said Horton as a free Citizen of the State of New York," cites Article IV of the United States Constitution, condemns the law under which the man is to be sold, and establishes a committee to prepare "a petition to Congress, for the immediate abolition of Slavery in the District of Columbia." The deposition of Owen, "of Somers Town in said County," certifies "that the said Horton is a free man. . . ."

From H[enry] Shaw

Lanesborough Sept 10, 1826

I wrote you some time since touching the appt. of a Lad as Cadet,—this was done upon entreaty, and I hope you will not consider it exactly in the light of a very important personal gratification—there went a second Epistle, on matters & things in general, now comes a third, "well." Good God, say you, when will the batch be done.—but stay, take another pinch of snuff, carry yourself back a little, and remember, that nothing but the strongest & most sincere attachment could induce me to write a Letter to any one—In the whole circle of Politicks, God knows, there is but one solitary point that has, for me, the least attraction, and it is yourself that forms that point—when you have done wrong, I have never scolded, when you have done nobly I have never failed to use it as far as I could to advantage— I think my situation enables me to see some things that may escape your notice, and most certainly when I advise, it is designed for the best— I never mean to write you but on your own account— One postulate of my Logic is this, "that a Western Man is to succeed, Q'"—of this I never have lost sight whatever may be said or done with a different face, this is the true point to be arrived at— Another point in my creed is, "unbelief in the fidelity of Q."— he may look fair & speak fair, but he will play foul where it suits his purpose so to do— Now the real rival of the Western Man, is the Gov. of N-Y—And he will be partially sustained by Q. as a rod, for his own purposes— And the Gov. will keep back for the present— he is now a cold friend, and in that condition is dangerous only to my friend— he should be made an open Enemy of Q.'s and then my friend is safe— I do not think the State of N-Y is rightly understood at Wn. it may be foolishness in me so to speak— there is a great deal of Coquetting just now between the Gov. & Matte— both are playing a game, and both
are equally in danger— each is faithless, each pursuing different ends just now— I want to have you understand correctly their relative positions, to each other & to all others— You will think it strange in me to say that so far from being strong, they are both weak—& may be treated as such, for neither is possesed [sic] of the confidence of a Party— the Gov. never could long hold a great popularity— he has no control over his own Party, so cald. Matte has lost the confidence of the Bucks as a Party. he feels this, and is secretly negotiating with the Gov. for help— If the Gov has the maj [sic] in the Legislature Matte will not be reelected— if the Bucks have a maj. his case will be as doubtfull [sic], for the Bucks as a party are in favor of the Admn. at Wn.— And they do not approve of his Southern assosiation [sic]— The Party want to run a Candidate against the Gov, but Matte has & is secretly opposed to it. & will defeat it if possible— he is willing C. should be Gov. if he can be S----9— he wants a Clinton Gov. & a Buck tail Legislature— this is as near his Policy as I can discover— Now I think the true policy of my friend Q is to have a strong Candidate run against C— & whether he succeeds or not is of comparatively [sic] small consequence— for in either event it will bring him C. out— If a Candidate is run, he will be supported by the friends of Admn.— should he fail, C. will feel the blow, and at the same time his strength, and come forth in open opposition— power always destroys him, for he has no skill or moderation in the use of it— if the Candidate succeeds, simular [sic] results will follow, & Matte will not be reelected— his opposition at Wn. will excile [sic] him & two Devils will be dispatchd [sic] at one blow— Now I believe Q is in favor of C. Election, & will rather discontinue an opposition to him— There is but one Man in the State that can run against C. with a hope of success, & that would be a doubtfull one— but I do not regard success as important, as the organization & the consequences that will follow— the Man I allude to is the Chief Justice11— I know he hates C— despises Matte— & has no confidence in Q— but would be a faithful friend, to my friend— That he is extensively popular— he was a Crawfordite. he is not, nor can he be a Jackson Man—. he is Ineligible while he holds his present Office— he cannot receive a vote for Gov— to resign for the purpose of being a Candidate, will hurt his popularity— what then can be done— I say offer to him the place of District Judge, made vacant by the death of Van Ness,12 he will, I believe take it, & then he can be a Candidate— & will be One— If he succeeds he will be your friend— if not he will, & ought to be regarded as your confidential adviser for the State— he left me this morning, and you may believe that I do not speak altogether at random, on any of the points alluded too [sic], altho I have not his assent to anything.
SEPTEMBER 10, 1826

I want to see your corps of friends strengthen— And this project appears to me not only possible, but Judicious.— another thing— have you confidence in the fidelity of your “Confidential Correspondent” in Albany13— one thing I will say to you, by way both of fact, and caution— he is considered there as the confident [sic] of both Mr. Clinton & Mr. Clay— And the Family friends of Mr. C. as well as others have the purusal [sic] of your Letters, “Confidential”— & I doubt not Mr. C. himself— this may all be well enough, for Confidential Letters are sometimes intended for more than one pair of Eyes— which of you he deceives I do not know, nor perhaps is important— I told the Chief Justice, I did not believe he cheated either of you— for I doubted wether [sic] either trusted him— but you want a different, and doubtless have a different friend in the State— It appears to me that the course I have suggested will secure one. And one that may & can be counted on herafter [sic]— If in the above, I have overstepped the line, or advised to a bad course, why burn the paper, and all the mischief done will be the loss of time in reading a devilish long Letter, but reflect, that if you have to read it, I had all the trouble of writing it— I salute you

H: SHAW

ALS. DLC-HC (DNA, M212, R2).

1 The letter has not been found.
2 Above, August 27, 1826.
3 John Quincy Adams.
4 DeWitt Clinton.
5 Washington.
6 Martin Van Buren.
7 Bucktails.

Van Buren’s biographers all report his emergence during the First Session of the Nineteenth Congress as a leader of the opposition to the Adams administration, as a cohort of John Randolph, Robert Y. Hayne, and John M. Berrien in attacking the Panama mission and of John Rowan in attacking the centralization of power in the Federal judiciary, and as a vigorous exponent of the state rights argument. Old interpretations have stressed Van Buren’s role as that of a political manipulator attempting to revive party division; Robert V. Remini, in Martin Van Buren and the Making of the Democratic Party (New York, 1959), 102-120 passim, has attributed it to his sincere desire to recall the Republican Party to the Jeffersonian precepts of strict construction.

9 Senator. For Van Buren’s view of the arrangement by which, through his influence, the Bucktails nominated William B. Rochester instead of William Paulding, Jr., of Westchester, for Governor, see The Autobiography . . . , 160-64. While noting that his initial preference had been that no candidate should be placed in opposition to Clinton and conceding that he (Van Buren) “had been doubtless in some degree induced to recommend the course that was pursued by the circumstance that . . . [his] reappointment to the Senate of the United States would depend upon the Legislature then chosen,” Van Buren maintained that such influences were subordinate to his concern for the future good of his party. Less sympathetic authors have described the arrangement as a “secret pact” under which Van Buren and Clinton had agreed that, if the latter would support Van Buren for the Senate, the “Little Magician” “would see to it that Mr. Clinton did not fail to succeed himself as Governor.” To do this he had had to deflect the nomination from Paulding, “conceded to be their [the Regency Republicans’] best choice.” Holmes Alexander, The American Talleyrand, the Career and Contemporaries of Martin Van Buren, Eighth President (New York, 1935), 227-28. Paulding, a lawyer, who had begun practice in New York City, had been a member of Congress from 1811 to 1813, a brigadier general of militia during the War of 1812, and mayor of New York from 1824 to 1826.

10 That is, Clay.
11 John Savage.
12 William P. Van Ness had died September 6. Cf. below, Porter to Clay, October 8, 1826, note.
13 Possibly George McClure.
CHARLES W. DABNEY, Fayal (Azores), reports death of his father, John B. Dabney, United States consul at Fayal for twenty years, and solicits appointment to the vacancy. ALS. DNA, RG59, Cons. Disp., Fayal, vol. 1 (M-T203, R-T1). John B. Dabney, of Massachusetts, had been appointed to the consulship in December, 1806. On young Dabney’s appointment, see below, Clay to Dabney, November 3, 1826.

ISHAM TALBOT, Frankfort (Kentucky), solicits appointment to the vacancy created by “the much lamented death of our friend and countrymen R. C. Anderson [Jr.]. . . .” Comments: “Feeling the utmost confidence in your friendship for me, as well as the Kind Indulgence of your Nature for the weakness of others I have thrown myself on your Kindness, by a direct communication of my wishes Perhaps without a due consideration of the dictates of Prudence of the feelings of delicacy & Propriety Belonging to such occasions.” ALS. DNA, RG59, A. and R. (MR4). Talbot, who had resumed the practice of law, received no appointment.

To P[edro] Gual

My dear Sir [September 11, 1826]

I have the honor to introduce to you Mr. J. W. Jarvis, who will present you this letter, an American artist who superadds to high proportional merit other qualities that strongly interest all who know him. Attracted to Panama by the event so important to our Continent, that I hope will form an epoch in the affairs of all America, I pray that you will have the goodness to extend to him such evidences of your favor and kindness as may be convenient.

I am with great regard Faithfully your ob. Servt. H. CLAY

Mr. P. Gual


INSTRUCTIONS AND DISPATCHES September 11, 1826

From JAMES BROWN, Paris, no. 57. Cites the case of the vessel about which he had made representations to the Minister of Finance, after the high duty had been demanded of it at Havre (see above, Brown to Clay, August 23, 1826); encloses the reply received from Villele, who adheres “to the opinion already given by the Director General of the Customs.” Adds: “It is to be feared that so long as we continue to enjoy a larger portion of the carrying trade between the two Countries than the french [sic], this Government will avail itself of every plausible pretext to give a restricted interpretation to the Convention. I have no reason to believe that the ground taken in Mr de Villele’s answer will be abandoned, and have therefore, advised our Consul at Havre [Reuben G. Beasley] of its contents in order that our merchants may be careful in providing themselves with certificates of origin from the French Consul, anterior to their dispatching their vessels to french Ports.” L.S. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received October 19.
APPLICATIONS, RECOMMENDATIONS  September 11, 1826

John D. Dickinson, Troy (New York), recommends William A. Duer for appointment as district judge for Southern New York. ALS. DNA, RG59, A. and R. (MR2). Dickinson, a native of Connecticut and a graduate of Yale, a lawyer, banker, and businessman, had been a member of the State Assembly (1816-1817) and the United States House of Representatives (1819-1823). He was again a Congressman from 1827 to 1831. Duer received no Federal appointment.

From John Quincy Adams

Henry Clay—Secretary of State  Washington  (Private)

Quincy 12. September 1826.

I duly received your kind Letters of 25 and 30. July and of 12. ulto., all from Lexington, which I have hitherto deferred answering, from an uncertainty where a Letter would meet you— But supposing you would about this time reach Washington I two days since enclosed to you a Letter from the Governor of New-York, with other papers on a subject requiring at once mature deliberation and prompt decision.¹

I learn with much concern that your health did not derive from your visit home so much benefit as you had anticipated. I hope the tour to the Springs will have more favourable results. Your apprehensions with regard to Mr Anderson, were but too well founded. The public have lost in him an able and useful officer— The Panama Congress it seems have adjourned to meet in the neighbourhood of the City of Mexico.²

Your Letter of Instructions to Mr Gallatin,³ has been forwarded by me, to the Collector of the Customs at New-York, to be forthwith transmitted— Mr Poinsett's Treaty with Mexico⁴ has all the Articles stipulating the delivery of criminals and fugitive slaves, which Mr Gallatin thinks may be objected to— We shall have an opportunity by the reference of the Mexican Treaty to the Senate, of ascertaining their views in relation to these Subjects; and probably in Season to give further Instructions to Mr Gallatin before the termination of his Negotiation.

I think that unless some unforeseen emergency should indispen­sably require my return to Washington earlier, I shall be there between the 15th. and 20th. of next Month, about ten days later than I have until recently expected.

Your's with respectful and friendly regard.  J. Q. Adams

I return, with thanks Mr Reads⁵ Letter.

ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay: “... {Answered}.” See below, Clay to Adams, September 26, 1826.

¹ See above, Adams to Clay, September 9, 1826.
Dear Sir

Paris Sept 12. 1826

I find no news in circulation of any great importance since the date of my last letter. The Portuguese Constitution is not to the taste of any of the Continental Sovereigns—but as England appears determined to support the regency in carrying it into complete execution, I do not believe that any attempt will be made from any quarter to put it down by force. It is however to be expected that intrigues will be carried on for the purpose of exciting the people of Portugal to oppose it, and indeed several insurrectionary movements have already been made to put it down all of which have been detected by the vigilance and crushed by the energy of the Government. The King of Spain has felt his want of means to attack it and has contented himself by issuing a Manifesto in which he states that the example of the state of things in the neighbouring Kingdom is rendered innocuous by the local sentiments of the Spanish people who are attached to an absolute Government, and he promises that he will never consent to any change in the present happy condition of his subjects. Before he adopted this course it is said that he consulted the great powers and by representing the dangers to which Spain and all Europe would be exposed from tolerating a representative Government in Portugal he endeavored to induce them to take efficient measures to prevent the adoption of the Constitution. He has been advised to acquiesce and to confine himself to the adoption of precautionary measures in order to prevention the Contagion of liberal principles from passing into Spain. As however the Portuguese malcontents take refuge in Spain, and those of Spain in Portugal, disputes arising from that and other causes are almost inevitable and may ultimately lead to hostilities. Indeed there are causes enough to produce war in the state of affairs in various quarters, but the deranged condition of the finances of every one of the continental powers except France prescribes the necessity of preserving peace. I do not think that with all the efforts which will be made to prevent wars it can be postponed for any great length of time.

The Sultan has so far succeeded in his bold attempt to disband the Janizaries and to introduce the European discipline into his armies. He has however succeeded by an immense waste of blood and treasure, and at the latest dates from Constantinople, the most alarming discontent prevailed which it was apprehended would
produce open acts of rebellion. The negotiations with Russia were
on the point of being opened by the Commissioners of the port
[sic] at the last dates, and it is thought that although every attempt
will be made to avoid on the part of Turkey a final adjustments
[sic] of the points in contestation between the two Countries, yet
the agents of Russia availings themselves of the critical state of
affairs at Constantinople will press the business to a close. It is
believed that the Vice Roy of Egypt [sic] is disatisfied [sic] with the
continuance of the war in Greece as he no doubt is with the losses
in men and money which he has sustained in carrying it on, and
that he has determined not send [sic] any reenforcements to Ibrahim
Pacha. No news on which any reliance can be placed has been
received from Lord Cochrane At the latest dates from Greece he
was said to be at Cagliari waiting for the arrival of the Steam boats
from England which in consequence of the defects in their con­
struction will not be in a condition to go to sea for some time. The
Greek committees of France and England are still very active
and zealous in the cause and are doing all they can to repair the
injuries sustained in the finances of Greece by the mismanagement
of their Agents in London. The Duke Dalberg one of the richest
peers of France has spent some time in London on that business—
The affairs of the Greeks are however in a deplorable state, their
finances completely exhausted, and their councils distracted by
contending factions.

Mr Stephen Kingston who had an old claim on the French
Government for the value of a Vessel & Cargo captured and con­
demned by the French Authority at Curraocoa [sic] has just sailed
after spending twelve months in France in pursuing his claim.
With a view of inclining the Government to lend a favorable Ear
to his claim he commenced his Memorial by stating that he had
carried in one of his ships, without any Compensation, sixty French
subjects from Bermuda to Charleston in order to prevent their
perishing from want of the necessaries of life. The Minister of
Marine rejected this claim for indemnity as unfounded, but ap­
plauded the generosity of his Conduct to his majestys suffering
subjects. Mr Kingston then prepared a renewed representation of
his case changing its aspects and asking compensation to the amount
of 26000 francs for the expences incurred in transporting and feed­
ing the French refugees on their voyage from Bermuda to Charles­
ton— The memorial was referred by the Chamber of Deputies to
the Minister of foreign Affairs who paid Mr Kingston ten thousand
francs, and as I have heard gave him a passage to the United States.

Mr Donnel who sailed on the 8th. will pay you the ballance [sic]
of my draft in favor of Madame Pasta. You will find the account
in my last letter—
We find ourselves for the third time forced to change our Hotel. The one we have now taken is in the Faubourg St Germain very near the one we now occupy. We have taken it partially furnished for fourteen thousand francs per an [sic] but when completely filled up it will cost us about eighteen thousand. It is not quite so good as the two former we have occupied but is certainly dear enough for our moderate means. If you see Mr. Hulme you may say to him that I have hopes that his Son will obtain admission into the manufacturing establishment of Mr Gerneaux where the woolen dyes are considered equal to any in the world. You may assure him that I shall do all I can to promote the views of young Hulme who appears to be a very excellent young man.

Mr. Randolph and the son of D R Williams, who appears to be much attached to him said [sic] a few days in Paris and then left for London— Mr R appeared to be in good spirits and disposed to be very amiable during his stay here— This you will perceive is no more than a hasty private letter and hardly fit for your own eye. I am Dear Sir very truly Yours

Hon. Henry Clay.

ALS. DLC-HC (DNA, M212, R2).

1 Above, August 23, 1826 (for his latest dispatch, see above, September 11, 1826).
2 Cf. above, Brent to Clay, August 3, 1826.
3 Ferdinand VII.
4 See below, Brent to Clay, November 30, 1826; Gallatin to Clay, December 13, 1826.
5 Cf. above, Moore to Clay, June 20, 1826, and note.
6 Cf. above, Brown to Clay, April 27, 1826, note.
7 Mehemet Ali.
8 During the spring and summer of 1825, deputees for the Greek independence movement had authorized several agents to purchase and equip a total of six steam vessels. Instead of outfitting vessels already built, the agents had contracted for new ones. A further factor occasioning delay had been the “deliberate saborage” by Alexander Galloway, of Smithfield, England, who held the contract for fitting the engines. Since Galloway’s son was in the employ of Mehemet Ali, of Egypt, the father feared that speedy accomplishment of the project would prove disadvantageous, perhaps dangerous, to the young man. Under pressure from Thomas Cochrane for completion of the fleet he was to command, the contractors got one vessel, the Perseverance, ready to sail in May, 1826. The Enterprise, renamed the Epicheiris, did not reach Greece until September, 1827; the Irresistible, renamed Hermes, and the Mercury, not until a year later. For lack of funds the other two vessels were never finished. None of them operated effectively under steam power. Shortly after the Perseverance, renamed Karteria, reached the Mediterranean, her valves burst; she reportedly sailed better under canvas than under steam. Dakin, British and American Philhellenes . . ., 117-25.
9 Emmerich-Joseph, Duke of Dalberg, born of a Rhenish family, had assumed French nationality in 1809 and had become a councillor of state under Napoleon, a delegate to the Congress of Vienna, and, after the Bourbon Restoration, a peer, minister of state, and ambassador to Turin.
10 Kingston, a Philadelphia merchant, was claiming indemnity as owner of the ship Ann and Susan, captured and condemned in 1797 for violation of the French navigation decrees. His claim, in the amount of $15,000, with interest till paid, was carried in the demands of the United States against France until final settlement. House Docs., 20 Cong., 2 Sess., No. 143, p. 22.
11 André Jean, Count Chabrol de Crouzol, had served as prefect of the Rhone from 1814 to 1817, under-secretary of state for the Interior from 1817 to 1820, deputy for Puy-de-Dôme in 1820 and 1821, and Minister of Marine since 1824. Raised to the peerage in 1824, he was named Minister of Finance in 1829 and held both ministries until his retirement from public life in May, 1830.
12 The Baron de Damas.
13 John Donnel, Jr.; Giuditta Pasta.
14 See above, Hulme to Clay, August 24, 1826. Gerneaux not further identified.
John Randolph; John N. and David Rogerson Williams. The younger Williams was, or shortly hereafter became, a resident of Society Hill, South Carolina.

INSTRUCTIONS AND DISPATCHES September 12, 1826

From A[l exander] H. Everett, Madrid, no. 49. States that, "if any dependence can be placed upon fair words," he will soon conclude with (Manuel Gonzáles) Salomón an agreement on indemnities; warns, however, of characteristic delays; reports that he has drafted a new proposal for the settlement, incorporating the changes, from his earlier draft, directed by Clay's instructions of May 3, 1826; encloses copies of the proposal and his note transmitting it to the Spanish Minister. Cites evidence of deteriorating relations between Spain and Portugal (cf. above, Brown to Clay, and below, Gallatin to Clay, this date) and observes that the perseverance of this Government in the hostile system they have adopted would perhaps be the best thing that could happen for Spain, as it would from present appearances produce a Revolution here at once." LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received November 16.

From Albert Gallatin, London, no. 7. Notes the postponement of his conference with (George) Canning (cf. above, Gallatin to Clay, September 4, 1826) to September 11, the day when Canning intended leaving London; reports that, on receiving this information, he "determined to forego the advantages which might be derived from a previous conversation and to try to bring him [Canning] to a point, by stating officially those grounds of complaint" already mentioned in the conference of August 17 (cf. above, Gallatin to Clay, August 19, 1826); encloses a copy of his note, dated September 6, to Canning, stressing "the question of right, vizt. that of reference to an arbitrator, in all cases where it was asked by the American Commissioner," and of Canning’s reply on September 9; states that at the conference of September 11 he informed Canning that the United States wished only "to bring the discussions on that subject to a favorable issue as speedily as possible," that a transfer of that discussion to Washington would be satisfactory, but that, since he did not know what instructions had been sent to (Charles R.) Vaughan, he could not decide whether to suspend the discussion until he should have heard from Washington; observes that he judged, from Canning’s reply, that the instructions to Vaughan "are not such as will lead to any result"; and declares his "belief . . . that there is a great reluctance in receding from the ground they have already taken in supporting Mr. [George] Jackson, and that there is a disposition to Compromise." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received October 18. Published in American State Papers, Foreign Relations, VI, 347-48.

From Robert Scott Dr. Sir, Lexington 13th. Sept. 1826

I find there is no probability of my being able to collect as much money as will pay Mrs. Morrison's1 annuity, the interest to the University2 and for a negro fellow which I have some prospect of getting for Mrs. Morrison—the interest for the last half year will be due on ist. October and Mrs. Morrison's ½ years annuity on the 23rd. of that month—together 1600$.— I have enquired of Mr Harper3 at what rate he would buy a draft on you payable at Wash-
ington and he says I Pr. Ct. disct. and interest for the time it may have to run— This would be losing more than would be agreeable I presume and suppose you can avoid it by sending me a check for 1600$ payable in Phila., which I apprehend you can procure without prem. and can be sold here at par.

Colo. Sullivan of Missouri, writes that he wishes the deed for the house & Lot he sold in St Louis sent on to him by the 1st Decr. as there will then be a second paymt. due— I hope you will find it convenient to forward it to him, addressed in case of his absence to Josiah Spalding Atty. at Law St. Louis, who is instructed by Colo. Sullivan as he informs me on that subject—

I think you informed me when last here, that the deed of the Sheriff, for the house and lot in New Ark, devised to Hester M Harris had not been obtained— Shall I request Colo. Creighton to obtain one and send it on to you—and if so in whose name shall I request it to be made?

I hope you will find it convenient to drop a line to Mr. Nicholas, or Mr. Call of Richmd. Va., relative to the taxes [sic] on the Pocotalico lands— I would have done so long since, but am totally unknown to any one there—

You mentioned having had a proposition from Mr. Cox I believe, to settle the debt collected by J. H. Hawkins from Trudeau, provided 3000$, the fees of collection were deducted— In treating on that business, I presume it would be well to recollect, that J. H. H. owed Colo. Morrison by Note due 16 Feby. 1819—600$—by one other Note due 8h. June 1819—300$, and by book Acct. due as long about 150$, and also a debt of 1486$79 due W C Nicholas by Note 1 April 1818—

We are all well and nothing new— very respectfully Your Hble Servt

RoBT. SCOTT

The Honble Henry Clay

ALS. DLC-TJC (DNA, M212, R13). Endorsed by Clay on verso: "... {Answered 26 Septr}." Answer not found.

1 See above, Note to Esther Morrison, July 5, 1825, note.
2 See above, III, 496n.
3 James Harper.
4 John C. Sullivan. The property has not been identified.
5 See above, III, 528; Creighton to Clay, November 9, December 10, 1825.
6 Philip Norborne Nicholas; Daniel Call.
7 Not identified. Probably at Potaligo, located in Kanawha County, present day West Virginia, about twelve miles north of Charleston.
8 Cf. above, Account, ca. May 27, 1826.

From R[obert] Wickliffe

The Honble H Clay. Ellerslie 1 Sepr. 13th. 1826.

D Sir

[Encloses a letter recommending appointment of (Isham) Talbot
as Minister to Colombia and Panama, or to either (below, this date). Notes Talbot’s long personal and political friendship with Clay.

We have no change in our political atmosphere [sic]. The reliefs will annoy us next year with the Presidential question & may increase their specific strength upon it so as to elect a senator in 1827 but if they do they will not succeed [sic] in obtaining a majority of votes against the administration. My object is to keep the questions separate [sic]. But if they are blended on a second trial, the strength of the administration must be greatest. Indeed the only reason it seems to me now why the opposition is considered so formidable is, that the Jackson interest is considered a kind of floating capital to be taken up by the party that will fight under his flag. It is however in every view a formidable [sic] array. & nothing but union & discretion among the anties [sic] will be able to put it down Respy

R Wickliffe

ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay: “. . . answd. 27 Sept. 1826.” Answer not found.

1 Wickliffe’s residence, located about three miles outside Lexington on the Boonesboro (now Richmond) Road. Built by Levi Todd about 1787, the house and a tract of 250 acres had been acquired by Wickliffe for $11,250 by deed of August 24, 1819, from John T. Mason, who held title from the Todd heirs. Fayette County Court, Deed Book S, 495-87.

2 Cf. above, Crittenden to Clay, April 27, 1826; Clay to Adams, July 25, August 12, 1826.

DIPLOMATIC NOTES

From the Baron de Maltitz, Washington. Transmits a copy of the final report of the commission appointed to investigate the conspiracy and activities of the secret associations in Russia. ALS. DNA, RG59, Notes from Russian Legation, vol. 2 (M39, R2). Dated “le 1/13 Septembre.” Cf. above, Middleton to Clay, July 29, 1826.

INSTRUCTIONS AND DISPATCHES

From Albert Gallatin, London, no. 8. Reports further on the conference of September 11 (cf. above, Gallatin to Clay, September 12, 1826): Canning stated that he had replied to Gallatin’s note of August 26 (cf. above, Gallatin to Clay, August 28, 1826), which reply would be delivered “either that afternoon or the ensuing day”; Canning then observed “that the Government of the United States seemed to have considered the intercourse with the British Colonies as being of the same nature with that with Great Britain itself, and which ought therefore to be adjusted by mutual arrangement,” whereas Great Britain regarded it as “only permissive, and accordingly to be regulated by her own laws”; in response to an inquiry as to whether Great Britain intended acting in accordance with this declaration “and to decline entering into negotiations with the United States on that subject,” Canning said “that such was the intention of His Majesty’s Government”; Gallatin declared that Canning’s statement “was . . . entirely unexpected and avowed a change of policy”;
Huskisson agreed that a change had occurred and pointed out that "The British Colonies were now opened on certain conditions to all nations, and Great Britain could not enter into arrangements on that subject with the United States without exposing herself to much inconvenience with respect to other Nations"; Huskisson further stated, in reply to a request for information, "that the British North American Colonies being adjacent to the United States, there was no objection to treat of the intercourse by land or inland Navigation on the ground of mutual Convenience, but not on that of a right of the United States"; "... other objects of Negotiation were then mentioned," but "Huskisson expressed his utter reluctance to begin the talks before November.

From Albert Gallatin, London, no. 9. Reports having learned from private sources that the British Government is willing to offer £250,000 payable in installments, "in lieu of the indemnity which might be obtained by virtue of the St. Petersburg convention"; states his belief that it is useless to try to obtain more, even though the amount (depending upon the exchange rate) may fall slightly below the minimum prescribed in his instructions; requests "to be informed immediately, whether if nothing better can be obtained," he is "authorised to accept it." Comments that he does not think the offer will be made officially "until after it shall have been ascertained that it will be accepted." From Abraham B. Nones, Maracaibo. Cites "official Accounts" that over 500 soldiers and officers have deserted (Jose Antonio) Paez and that Venezuelans in general oppose him; notes "little doubt, . . . that every thing will be speedily adjusted without bloodshed, or compromising the dignity and honor of the Government." From Tristam Burges, Providence (Rhode Island). Cites a "complaint . . . that the publication of the St. Domingo claims is confined to one New paper [sic] in this State"; suggests that the notice should be printed also in the (Providence Manufacturers and Farmers) Journal and the Providence Patriot. Rejoices to hear of improvement in Clay's health and "to find the cord of union strengthening, & becoming more compact down the whole longitude of our Country. . . ." From Dutee J. Pearce, Newport (Rhode Island). Refers to his earlier letter relative to publication of the advertisement of the Santo Domingo claims (above, August 27, 1826); notes that, shortly after he wrote, (James) Atkinson and (William) Read, of the (Newport Rhode Island) Republican, received authorization to publish the advertisement; agrees that this designation is proper but points out that the proprietors of the (Providence) Patriot and the (Providence Manufacturers and Farmers) Journal may think he favored the Republican; requests that copies of his letter to Clay be sent to (Josiah) Jones and
Appointments, Recommendations

September 13, 1826

Mason Campbell, "Kanawha Court. H[ouse]. Va.,” states that he has established the (Charleston) Western Virginian, solicits appointment to publish the laws, and avows it “the duty of every friend to our present form of govt. to use every effort to interpose an insurmountable barrier between 'the Sword and the Constitution.'” ALS. DNA, RG59, P. and D. of L. Campbell received the desired appointment before the next Session of Congress. Cf. William Browne to Campbell, July 30, 1827, in DNA, RG59, Dom. Letters, vol. 22, p. 16 (M40, R20).


From Albert Gallatin

The honble H. Clay No. 10 London 14th Septer. 1826

Secretary of State Washington

Sir I received last night at 10 o'clock Mr. Canning's answer /dated 11th inst./ to my note of the 26th of August.¹ It is much too long to be transcribed in time by this packet. In hope that this letter may yet reach Liverpool in time, I enclose a transcript of the last paragraphs which is all I have time to do.

The enactment, alluded to in the first line of the enclosed transcript,² is that clause of the act of Congress of 1823, which I had overlooked in my note of 26th August to Mr Canning, and which provides in substance, that no British ship—entering an American port from the United Kingdom, or from any other British possession, except directly from the West India colonies, shall be allowed to clear out from any Port of the United States for any of those colonies.³

It is made a prominent reason for the course now adopted by this Government, that this clause was suffered to remain in force, after the restrictions of the Act of Parliament of 1822, on which it was professedly founded, had been done away by the Act of Parliament of 1825.⁴ And I understand that enactment to be the pretension, recorded in the act of Congress aforesaid, which so long as it remains part of the law of the United States, will prevent the British Government from consenting to any renewal of the negotiation upon the colonial intercourse.
In your instructions to me, you observe, in relation to the acts of Parliament of 1825, that according to its provisions "the foreign vessel is restricted to a direct intercourse between the country to which it belongs and the British colony, adhering, in this respect, to the old principle of her navigation laws."5

I am thence led to infer that it was not understood that this restriction was done away by the act of Parliament, and that to that circumstance must be ascribed the continuance in force of the corresponding restriction of the act of Congress of 1823.

Mr Canning's note is not written in the most assuaging manner, and there are at least some observations which might have been omitted. I will take my own time to answer it.

I have not time to add any thing more and have the honour to be respectfully

Sir

Your most obedient

Servant

ALBERT GALLATIN

ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received October 19.

1 Cf. above, Gallatin to Clay, September 13, 1826, dispatch no. 8.

2 The first paragraph of the transcript is as follows: "It must not be forgotten that this enactment, founded professedly on the limitations of the British Act of Parliament of 1822, is continued fourteen months after the passing of the British act of 1825, by which the limitations of 1822 were done away. Since the 5th of January 1826, an American ship trading to a British West India Colony may clear out from thence to any part of the world, the United Kingdom and its dependencies alone excepted. But the British ship in the American port still remains subject to all the restrictions of the American Law of 1823, prohibiting a trade through the United States between the Mother Country and her West India Colonies." On the legislation of 1825, to which Canning here referred, see above, Gallatin to Clay, August 19, 1826, note.

3 Cf. above, III, 729, note 21.

4 Cf. above, Rush to Clay, March 26, 1825, note.

5 See above, Clay to Gallatin, June 19, 1826, p. 465.

MISCELLANEOUS LETTERS September 14, 1826

From JAMES WHITEHEAD, JR., Cumberland, Maryland. Refers to Clay's interest in "the promotion of internal improvement"; informs him of the existence, above Cumberland, on the Potomac River, of limestone suitable for the production of lime "in Sufficient quantities to answer the purpose for the Chesapeake and Ohio Canal"; forwards "A specimen of the water Lime Stone ... for examination. ..." ALS. DNA, RG59, Misc. Letters (M179, R64). Whitehead was postmaster of Cumberland, from October, 1824, until December, 1827.

APPLICATIONS, RECOMMENDATIONS September 14, 1826

N[EHEMIAH] R. KNIGHT, Providence, Rhode Island, suggests "the Providence Patriot as a proper paper" to publish "the St Domingo documents." ALS. DNA, RG59, Misc. Letters (M179, R64). Cf above, Pearce to Clay, September 13, 1826.

D[ANIEL] RAYMOND, Baltimore, recommends James Burke for a clerkship in any department. ALS. DNA, RG59, A. and R. (MR1). Burke, not identified, received no appointment.
From Robert Crittenden

Sir.

Some thirty days since I communicated to you (through Brother John) a wish to visit Washington solely for the purpose of adjusting my accounts at the Treasury—Since that letter I have seen the Govr. and he objects to my leaving the Territory, avows his own determination to visit Philadelphia in the course of the next month, and throws all the responsibility of leaving the Territory without an executive head upon me—Thus situated I ask your advice—*I am not a defaulter for one cent*, and my presence at Washington ten days would demonstrate the fact—In this situation should I incur the responsibility of leaving the Territory? or will my peculiar situation be deemed a sufficient apology for deferring [*sic*] a settlement

I have no reason to believe that Govr. Izard would promote my affairs at Washington. I must therefore rely solely upon your kind interposition and advice by which I will be absolutely governed—It is probable that by forwarding my accounts that my presence might be obviated. If that expedient should fail, my nomination to the Senate might be rejected—it was this contingency against which I wished to guard by my presence—the Gov.'s determination seems to leave a high responsibility on me, in any course I may adopt—In this dilemma your instructions and advice will be received as a singular obligation confered [*sic*] upon Your Obt. Servt

ROBT. CRITTENDEN

The Honble. H Clay

ALS. DNA, RG59, Misc. Letters (M179, R64).

1 Above, August 17, 1826. 2 George Izard.

DIPLOMATIC NOTES

From C. D. E. J. Bangeman Huygens, Washington. Replies, under instructions received from his Government, to Clay's notes of December 10 and 24, 1825. Explains at considerable length the reasons for the provision in the Netherlands tariff regulation of 1822, which Clay had questioned. Mentions the discriminating duties against Dutch commerce in America, the increasing trade between the two countries in American vessels while that in vessels under the flag of the Netherlands has diminished, the failure of the acts of Congress of April 20, 1818, and January 7, 1824, to favor the Netherlands (cf. above, Lorich to Secretary of State, March 16, 1825, note), pilotage charges recently imposed at Norfolk on the brig *Mary*, commanded by Captain James Almeida, the difficulty experienced in trying to recover deserters in American ports, and a desire for more advantageous, reciprocal treatment of the vessels of each country in the ports of the other. ALS, in French with trans. in State Department file. DNA, RG59. Notes from Netherlands Legation, vol. 1 (M56, R1). Translation published in *American State Papers, Foreign Relations*, VI, 376-78.
The act of April 20, 1818 (3 U.S. Stat., 464), like the subsequent legislation of January 7, 1824, had specifically conceded exemption to the Netherlands from discriminating duties generally imposed. The 1818 law had stipulated that it was "to take effect from the time the government [Netherlands] . . . abolished the discriminating duties between her own vessels and the vessels of the United States arriving in ports or places aforesaid." The exemption covered duties on tonnage of vessels entering ports of the United States and duties on goods imported into the United States.

**INSTRUCTIONS AND DISPATCHES** September 15, 1826

From [REUBEN] G. BEASLEY, Havre. Refers to his letter of August 16; notes "that the construction which was put on the Convention by the Director General of the Customs is confirmed"; states his views of the importance "that our Merchants should have early information of this strange decision. . . ." ALS. DNA, RG59, Cons. Disp., Havre, vol. 1 (M-T212, R1). Received October 20. Published in Washington newspapers October 21. Cf. above, Brown to Clay, September 11, 1826.

From VINCENT GRAY, Havana. Reports that, since his letter of August 28, "the Steam Boat & the 13 Negroes therewith, have been given up—and each party pays his own Costs," and that "This Decision has changed the face of affairs in regard to the Guinea Traders, who are as much elated now, as they were depressed before. . . ." Notes the arrival of (Edward J.) Dawkins, on his way home from Panama; that (David) Porter "is now at the Head of the Navy of Mexico"; that "the Dutch Consul Mr. Loba [Lobe] . . . has not been acknowledged" but remains "upon the Same footing as the American & French agents." Encloses a complaint (not found) "of Captain Robert Hamilton of the Schooner Mary Hobes" concerning mistreatment by a Mexican warship. Ls. DNA, RG59, Misc. Letters (M179, R64). Hamilton not identified; the incident of the Mary Hobes not further reported.

From JOHN RAINALS, Copenhagen. Notes that the Russian squadron has returned to Cronstadt (cf. above, Rainals to Clay, August 15, 1826) and that (Edward) Wyer "return'd from St. Petersburg about 10 days back, and left . . . for Boston." ALS. DNA, RG59, Cons. Disp., Copenhagen, vol. 3 (M-T195, R3). Received October 31.

**INSTRUCTIONS AND DISPATCHES** September 16, 1826


In the enclosure Salmón stated in part: "His Majesty's Government have under their most serious consideration the important question of the reciprocal claims of the two countries with a fixed intention of settling them immediately in a manner that may be satisfactory to both." Cf. above, Everett to Clay, September 12, 1826.

From ALBERT GALLATIN, London, no. 11. Encloses a copy of his answer to (George) Canning's note of September 9 on the slave commission. Notes that he "was . . . inclined to make no objection to the suspension of the discussion for the present, an account of the unofficial proposal of Compromise," and that
SEPTEMBER 17, 1826

he is becoming more convinced "of the propriety of acceding to it, and of the improbability of obtaining better terms." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received October 29. Published in American State Papers, Foreign Relations, VI, 350. Cf. above, Gallatin to Clay, September 12, 1826.

From James Maury, Liverpool. Lays before Clay an account of "the evils arising from the abuses of the Law of 28th. Feby. 1803, in the matter of shipping Seamen," foreigners, on American vessels, under false certificates of citizenship and, often, false names. LS. DNA, RG59, Cons. Disp., Liverpool, vol. 4 (M141, R4). Copy, in DLC-William Beach Lawrence, Dip. Corresp. (DNA, M212, R21). Received October 17. Besides the provisions for rendering aid to distressed seamen (see above, Clay to Quarrier, May 12, 1825, note), the above-mentioned law established penalties applicable to consular officers who knowingly granted a passport or certification of citizenship to an alien. 2 U.S. Stat., 205.

MISCELLANEOUS LETTERS

September 16, 1826

From Joseph Norvell, Nashville. Notes his transfer of the Nashville Whig, on January 1, 1826, to James Erwin, who in April sold it to John S. Simpson; adds that Simpson is entitled to payment for publishing the laws since January 1. ALS. DNA, RG59, P. and D. of L. Endorsed by J(ohn) P. Erwin: "The above is correct." Cf. above, Erwin to Clay, December 12, 1825. Simpson, a printer, with William Gibbs Hunt as editor, had founded the Nashville National Banner in 1822. The transfer of the Nashville Whig now represented a merger, with the journal appearing under joint title until 1830.

INSTRUCTIONS AND DISPATCHES

September 17, 1826

From Henry Middleton, Moscow, no. 64. Notes that he has attended the coronation. Reports a private audience with the Emperor (Nicholas I); the latter promised to use his influence, at an appropriate time, to obtain for the United States, as a matter of mutual benefit to both that country and Russia, the right of passage into the Black Sea; to Middleton's expressed hope that the Emperor would take "some efficient steps" to end "the war . . . between Spain & her Colonies," Nicholas "replied with vivacity, that after what his Brother the late Emperor [Alexander I] had done, & knowing his own opinions upon the Subject, I could not doubt of the language he should hold, & he understood that all we wished of him was to give pacific counsel"; in reply to a question concerning the insurrection of (José Antonio) Páez, Middleton informed the Emperor that the new states, despite "their intestine feuds," were unanimous in their opposition to Spain. Assesses in favorable terms the character of the Emperor.

Cites "Accounts from the Persian frontier" which "indicate that a serious war is intended by that Power" and comments on the weakness of Persia. Adds, in a postscript marked "Private," that the Spanish Minister (Chevalier Páez de la Cadena, not further identified) suggested to the Emperor that he advise the King (Ferdinand VII) "to make peace with the Colonies." ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated: "5/17 Septr. 1826." Received December 1. Extract published in Manning (arr.), Diplomatic Correspondence ... Latin-American Nations, III, 1884.

Warfare between Persia and Russia had developed out of a dispute, dating
from 1801, over Russian annexation of several provinces of Georgia. Under
the Treaty of Golesti in 1813, Persia had renounced much of her territorial
claim, but a disagreement relating to three districts had developed in 1825.
When Russia occupied these areas, Persia declared war. Though at first
successful in recovering much of the contested area, Persia was forced finally,
under the Treaty of Turkmanchai in 1828, not only to surrender the territory
but also to pay a heavy indemnity.

From David Lawrence Morril

Hon. Henry Clay, Secy of State, U.S,
Sir,
Goffstown, N,H, Sept, 18,th, 1826.
I presume you are fully satisfied, from the information generally
diffused, in the public papers, that Isaac Hill, Editor of the N,
Hampshire Patriot, is a virulent opposer of the present administra-
tion. This you may recollect I stated to you, some months past.1
The evidence has increased to the present time.

This paper has an extensive circulation, through the instrument-
tality of which, he is determined to revolutionize the state, by the
next Presidential election. He has commenced his operations, by
getting nominated, through stratagem, a Candidate for Governor,
who is friendly to Genl Jackson. I distinctly intimated to my friends,
previous to the sitting of the Legislature in June, that I did not
wish to be a Candidate at the next election; in consequence of
which, I had only 5 votes, in Caucus. Hill circulated the same fact,
among his friends, & that Genl Peirce [sic],2 was an administration
man, & must be the Candidate. (I run [sic] down Genl Pierce last
year, by a plurality of more than 5000) By this deception, Genl
Pierce was nominated—who is completely under Hill's influence.
As soon as this nomination was made, he published, that I was the
administration Candidate, & out of 160 Counsellors, Senators &
Representatives in Caucus, there were only 5 friendly to the ad-
ministration; all which, is totally false. Thus we are fully apprized
of his plan, to oppose the reelection of Mr Adams, by first succeeding
in the election of a Gov. friendly to Genl Jackson. This will be the
entering wedge, & prepare the way to accomplish his ultimate
object. We have no particular objection to the election of Genl,
Peirce [sic], only, as this would aid the ultimate plan of Mr Hill, in
revolutionizing the state, in the choice of Electors of President &c—
Another Candidate will be supported, friendly to the administra-
tion.3 Whoever Hill supports, will be completely under his in-
fluence.

More than ¾ of the citizens of this state, at this time, are in
favor of the administration; & this ascendancy can be maintained,
unless the people are deceived by misrepresentation. Hill, is
interested in two or three presses in this state, which fully support his views. The federal papers, are all for the administration; but this does not answer the purpose; we are therefore, determined to set up, and support, if possible, a purely republican paper. The Prospectus of this, I herewith enclose to you. This paper will be opposed, by Hill, Judge Woodbury, in the Senate, Mr Harvey, in the House, & some few influential [sic] men here at home. But it will be supported by Judge Bell, & all our delegation in Congress, except Harvey, & by Judge Butler, Mr Plumer, Matson, Hale, Livermore, Storer, Parrott, & others, former members of Congress, & all the principal men in the state— If this paper succeeds, we shall triumph in the choice of electors of President &c, which is our ultimate object. The Editor is a capable, deserving man. I write you, confidentially, to ascertain, whether we can probably, directly, or indirectly, obtain any assistance from Washington, in support of this paper. Not expecting myself to be a candidate for any office. I can have no other object in view, than the prosperity & ultimate success of the General Administration.

I am with sentiments of great respect your most Obedient & very Hble Servt,

DAVID LAWRENCE MORRIL.

ALS. DLC-HG (DNA, M212, R2). Endorsed on verso by Clay: "... [Answered]." Answer not found.

1 Above, March 8, 1826.
2 Benjamin Pierce, born in Massachusetts, had settled as a pioneer farmer at Hillsborough, New Hampshire, in 1786. Active in the local militia, he held the rank of brigadier general when he resigned in 1807. He had been a member of the State legislature for thirteen years (1789-1802), a member of the governor's council in 1803 and 1814, and sheriff of Hillsborough County (1809-1813, 1818-1827). He was elected Governor, with Hill's backing, in 1827 and 1829.
3 Moiril himself opposed Pierce in the gubernatorial election of 1827 and was soundly defeated, receiving only 2,529 votes to Pierce's 23,685.
4 Publication of the Concord New Hampshire Journal, edited by Henry F. Moore and committed to support of the Adams administration as the exponent of "principles of the school of Jefferson and Madison," was announced in the Washington Daily National Intelligencer September 20, 1826. The first issue had appeared under date of September 11. Moore, who had been apprenticed as a printer under Isaac Hill, had published the Grafton Journal in Plymouth, New Hampshire, from 1824 to 1826. He was also a teacher of music and composer. He died in 1831 at the age of 28.
5 Not found.
6 Levi Woodbury; Jonathan Harvey. Harvey had been a member of the New Hampshire House of Representatives (1811-1816), Senate (1816-1823), and Executive Council (1823-1825). After three terms in Congress (1825-1831), he served again in the State legislature (1831-1834, 1838-1840).
7 Samuel Bell.
8 Ichabod Bartlett; Titus Brown; Nehemiah Eastman; Joseph Healy. Thomas Whipple, Jr. Brown, a lawyer, had moved in 1814 from Vermont to New Hampshire, where he had been a member of the State House of Representatives from 1820 to 1825; he served in Congress from 1825 to 1829. Eastman, also a lawyer, had been a member of the New Hampshire House of Representatives in 1813 and of the State Senate from 1820 to 1825; he was in Congress from 1825 to 1827. Healey, a farmer and innkeeper, a native of Massachusetts, had sat in the New Hampshire Senate in 1824 and was a member of the State Executive Council from 1829 to 1832; he served in Congress from 1825 to 1829. Whipple, a physician, in Congress from 1821 to 1829, was a graduate of Dartmouth College and a former member of the New Hampshire House of Representatives (1818-1820).
9 Jesiah Butler; William Plumer, Jr.; Aaron Matson; Salma Hale; Arthur Livermore; Clement Storer; John F. Parrott. Plumer, son of William Plumer, was a
Harvard graduate, lawyer, and writer. He had sat in the State legislature, in 1818, and in Congress, from 1819 to 1825. Matson had moved from Massachusetts to New Hampshire, where he had been a probate judge, several times a member of the legislature, and a member of the executive council (1819-1821). He served in Congress from 1821 to 1825 and, afterward, again in the legislature. Hale, secretary to the northeastern boundary commission under the Treaty of Ghent, had been an editor and a member of Congress (1817-1819). He was long the clerk of the New Hampshire Supreme Court and served several terms in the State legislature. Storer had been born in Maine and had moved to Portsmouth, New Hampshire, where he became a physician and a militia officer. He had been a member of the State House of Representatives (1810-1812), Congress (1807-1809), and the United States Senate (1817-1819), as well as sheriff of Rockingham County (1818-1824).

10 The journal was one of those named to publish the laws for the next Session of Congress and retained the appointment through the remainder of the Adams administration.

MISCELLANEOUS LETTERS   September 18, 1826

From A. and C. CUNNINGHAM, Boston. Transmit information of the murder, by two of the crew, "on the Banks of Newfoundland," of the captain and mate of the schooner Fairy, which was then destroyed. Request that "The crew . . . now in Prison at Sydney" (Cape Breton) be "brought to this Country for trial." ALS. DNA, RG59, Misc. Letters (M179, R64).

The Cunninghams, owners of the Fairy, were successful Boston merchants for half a century. The mutiny reportedly had occurred on August 27. Washington Daily National Journal, September 20, 1826. Captain Selfridge of Boston and his mate, Thomas P. Jenkinas, have not been further identified.

APPLICATIONS, RECOMMENDATIONS   September 18, 1826

WILLIAM B. ROCHESTER, Hagerstown, recommends the appointment of James Kent to the vacancy left by the death of Judge (William P.) Van Ness. Adds, in a postscript: "I found my Father & Mother [Nathaniel and Sophia Beatty Rochester] here on a visit, & shall return home in Co. with them in the course of a few days via Washington, Phila. & New York— we shall pass thro' the D. of Col about Monday next or tuesday [sic], at which time I hope to have the pleasure of finding you have ret'd home with your health perfectly restored." ALS. DNA, RG59, A. and R. (MR1). Cf. below, Porter to Clay, October 8, 1826, note.

INSTRUCTIONS AND DISPATCHES   September 19, 1826

From ALEXANDER H. EVERETT, Madrid, no. 51. Inquires whether the United States should resist paying the $20 required by the Spanish Government for authorized translations into Spanish of consular commissions presented for the purpose of obtaining an exequatur. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received December 11.

From BEAUFORT T. WATTS, Bogotá [no. 13]. Encloses "copies of several communications" exchanged with the Secretary of Foreign Affairs (Joseph R. Revenga), relating to complaints by American consuls that customs officials were not observing the decree of January 30 "abolishing the discriminating duties of impost and tonnage" (cf. above, Anderson to Clay, February 1, 1826); to an assault on "Mr. [Richardson] Galt a citizen of the United States," who failed "to kneel when meeting the Host"; and to Watts' appointment of
Alexander Danouille, an “American Citizen, an established merchant,” as acting United States consul at Santa Marta. Notes that the disturbances in Venezuela “are gradually subsiding” (cf. above, Litchfield to Clay, May 22, 1826) and that the anticipated arrival of (Simón) Bolivar “has greatly revived . . . confidence . . . for the stability of the present government, & the constitution.”

ALS. DNA, RG59, Dip. Disp., Colomba, vol. 4 (M-T33, R4). Received December 7. On Danouille’s replacement as consul at Santa Marta, see above, Sever to Clay, August 5, 1826, note. Danouille in 1832 replaced Sever in the post and held it until 1839.

To John Quincy Adams

My Dear Sir (Private) Washington 20h. September 1826

I hasten to inform you that I reached this City last evening, and am ready to receive any instructions with which you may honor me. My return was delayed a few days longer than I expected, by a desire to try the effect of the waters of Virginia mineral springs on my health, which received some improvement from their use.

The decision which might have been necessary, in respect to the colored man, to whose case the letter of the Governor of New York related, was prevented by his liberation, prior to the receipt of your letter.¹

Mr. Wirt,² if he has not already arrived today in the City, will reach it in a day or two. Governor Barbour,³ whom I saw on Friday last, intends being here about next Monday, or Tuesday week.

I have received your obliging letter of the 12h. instant. I am faithfully Your obedient Servant

H. Clay

J. Q Adams &c. &c. &c.

ALS. MHi-Adams Papers, Letters Received (MR477).

¹ Above, September 9, 1826.
² William Wirt.
³ James Barbour.

DIPLOMATIC NOTES

September 20, 1826

From Charles R. Vaughan, Washington. Calls attention, by direction of his Government, to a “circumstance, which has recently occurred in the Bay of Gibraltar”: When the British ship Herald entered that Bay, she found there an American squadron under the command of Commodore (John) Rodgers, which followed the practice of sending a guard boat “to each vessel anchored in the Bay.” Later, “when the Herald herself was getting under weigh,” the officer of the guard boat “asked where the Herald was bound to” and “was told that he could not be answered.” Afterward Rodgers “apologised in the most ample way for the mistake that had occurred. . . .” Adds: “Thus far the Explanation offered by Commodore Rodgers, that the Transaction occurred through a Mistake of the Officer of the Guard, must be considered as satisfactory; but it certainly appears rather an extraordinary Circumstance, that, as was notorious by the Fact, the Report of the Guard should have been sent to the Commodore every morning, and that the Proceeding in Question should
have taken place, three several Times, during the Stay of the 'Herald' in the Bay, wholly against the Intention, or by mistake of the Orders of Commodore Rogers [sic].” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Copies, in MHi-Adams Papers, Letters Received (MR477); DLC-John Rodgers Papers, 2d Series.

On September 30, Daniel Brent, as “directed by the Secretary of State,” transmitted to Charles Hay, of the Navy Department, a copy of this letter. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 387 (M40, R19).

From Charles R. Vaughan, Washington. Announces that he has been informed of the views of his Government relative to “some of the leading points” in Clay’s letters of April 15 and 19, in which “an erroneous construction has been put upon the conduct of the British Commissioner [George Jackson] at Washington, and upon the motives of the Government for approving that conduct.” Asserts that “It is because the points proposed by the American Commissioner [Langdon Cheves], do not fall within the provisions of the Convention, that the British Government decline to acquiesce in the proposed reference of those points to arbitration.” Quotes from Article V of the Convention, notes that “the question of Interest on monies awarded as indemnity under the Convention” was “not specified in the Convention and adds: “as, little can be affirmed to be of the essence of the Convention, to which, in fact, it is totally extraneous.” Argues that “the Convention . . . was established for one specifick puq)ose, namely, the adjudication of certain prescribed objects, and within certain prescribed limits,” and that “Neither the one party nor the other can be permitted to exceed those limits . . . .” Points out that the American Commissioner, in action similar to that of his British counterpart, has refused to submit to arbitration the question of publishing “the list of deported Slaves furnished by the British Admiralty.” States that, on the basis of the Convention of July 12, 1822, and the Treaty of Ghent, the American demand “respecting Slaves taken away from Dauphine [sic] Island . . . [is] totally unfounded” because the island was owned by Spain, not the United States, in 1814, and “The Convention provides compensation for matters [sic] taken from places which were American property, at the time of such taking. . . .” Notes the desire of his Government to bring to a close “the Commission under that Convention” and a hope that “any differences of opinion which may arise between the respective parties, as to references to arbitration, may be set aside for consideration hereafter, and may not be suffered to obstruct the course of the Investigation or to preclude the settlement of the claims successively presented to the Board.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Copy, in NHG-Gallatin Papers (MR13). Published in American State Papers, Foreign Relations, VI, 748-50.

INSTRUCTIONS AND DISPATCHES  September 20, 1826

From Charles W. Dabney, Fayal. Reports that the schooner Superb, of Edgartown (Massachusetts), bound from Norfolk to Madeira, has been forced to put in at Fayal and sell its cargo because of damage inflicted by a privateer. ALS. DNA, RG59, Cons. Disp., Fayal, vol. 1 (M-T203, R-T1). The Superb, as Dabney reported on October 5, was subsequently destroyed by a storm. ALS. Ibid. Received November 2.

From Albert Gallatin, London, no. 12. Transmits, without comment, (George) Canning’s note of September 11. Notes that his instructions antedate
recent "measures . . . adopted by this Government on the subject of the colonial trade" and asks: "Is it still intended that the Convention of 1815, renewed in 1818 [see above, II, 57-59, 611n], should be now again renewed?" Believes "some modifications will be proposed to the Convention," probably "to allow the importation from the United States and in American vessels of goods, the produce of any part of the world, on condition of the like privilege being granted to British vessels in ports of the United States, and in both cases, without any discriminating duties." Queries whether "a proposal which will apply to the intercourse between the United States and only the European dominions of Great Britain should be accepted." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received October 29. Extract published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 512.


From Robert Monroe Harrison, Antigua. Transmits an extract of a letter (not found), dated August 2, "from the Treasury Chambers London addressed to the Commissioners of H M. Customs and by them transmitted to the Collector of the Customs on this Island"; notes that "It appears by the said Letter that in order to prevent any possibility of failure (which might grow out of this order) in the Supplying of the Colonies several Freeports have been established"; states that he "cannot suppose that our Government will for a moment submit to such temporary opening of the British Colonial Ports"; expresses an opinion that trade with "the Neutral Islands, (say St Barts, St Eustatia [sic] and St Thomas)" is more advantageous to American merchants "than to go to the English Colonies where the duties, and charges, amount almost to a prohibition." Points out "that if this order is to go into operation," it would be useless for him to remain at his post after December 1; solicits an appointment elsewhere; suggests that he be appointed to St. Bartholomew, which he expects will now "become [a] place of consequence . . .

From Henry Middleton, Moscow, no. 65. Acknowledges receipt of Clay's "despatch No. 4" (above, May 26, 1826); reports that, after a conference with Count Nesselrode, he feels "satisfied that everything will be done which depends upon this Government in the way of counsel to induce Spain to accept the overture of Peace made from the New World"; notes that experience prevents "very sanguine expectations," for he believes that for at least a year "the counsels of Russia to Spain have been pacific" and that only through "some misapprehension" has "the Russian Minister at Madrid [Pierre d'Oubril] . . . been supposed adverse to peace"; credits "the frank and liberal policy" of the United States with changing "the dispositions of this Government within the last two years, in relation to the American question. . . ." ALS. DNA, RG59, Cons. Disp., Russia, vol. 1 (M-T327, R11). Dated "8/20th September 1826." Received December 1. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1885. Cf. above, Everett to Clay, October 20, 1825, February 13, 24, 1826; Clay to Middleton, April 21, 1826.

From James Ombrosi, Florence. Reports a conversation with a Turk, formerly employed at the British legation (in Constantinople), who explained the reasons for the failure of (Luther) Bradish, in 1820, to institute negotiations
with the Turkish Government and suggested the manner in which the United States should proceed in attempting to open commercial relations with Turkey. ALS. DNA, RG59, Cons. Disp., Florence vol. 1 (M-T204, R1). Received November 28. Cf. above, Clay to Rodgers, September 6, 1825, note.

Bradish, born in Massachusetts and graduated from Williams College in 1804, had moved to New York, to teach and study law. He had served in the War of 1812 and in 1820 had been appointed by the President to collect information “in foreign countries in relation to the commerce of the United States,” a mission directed to obtaining from Turkey a treaty which would open the Black Sea to American trade. He reported that Turkey also wanted a treaty, that it would greatly reduce payments of duties by Americans on commerce which already amounted to $1,500,000 annually, but that Turkish officials demanded 350,000 piastres in “public presents.” House Docs., 22 Cong., 1 Sess., no. 250, pp. 4-12. Bradish remained abroad until 1826, then returned to become active as an Adams Republican in New York politics. He was elected to the legislature from 1827 to 1829 and from 1836 to 1838, became Lieutenant Governor from 1839 to 1842, and was appointed United States Assistant Treasurer for New York under President Millard Fillmore.

From J[oel] R. Poinsett, Mexico, no. 57. Transmits a translation of the speech by the President of Mexico (Guadalupe Victoria) at the opening of a special Session of Congress; notes that “The only objects of a public nature, designated in the decree convoking the Congress, are the regulation of the Public Credit, the new Tariff, and the consideration of Treaties with foreign Powers.” LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received November 6.

MISCELLANEOUS LETTERS

September 20, 1826

To Christopher Neale. Forwards commission as “Judge of the Orphans Court for the County of Alexandria, in the District of Columbia.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 384 (M40, R19). Neale acknowledged on September 25 receipt of this letter and commission. ALS. DNA, RG59, Acceptances and Orders for Comns. (M-T6145, R2).

From [James] Gambier, “Iver Grove.” Introduces “Mr. Edward Thomson the Son of an esteem’d and intimate friend,” who will visit Washington on his way from New York to South Carolina. Expresses happiness to learn, from his “Nephew Mr. Charles Gambier, who visited Washington the beginning of the present year,” of Clay’s “health and wellbeing. . . .” ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay on wrapper: “Lord Gambier.” The Thomsons have not been identified. Young Gambier was probably Charles-Samuel, born in 1790, the son of James Gambier’s eldest brother, Samuel.


From Oliver Peabody, Exeter, New Hampshire. Encloses, to Clay’s care, a letter to Alexander H. Everett; states that he would “not pursue this course but in compliance with the wishes of . . . [his] daughter Mrs. Everett; adds that “the slightest intimation from” Clay that he has “done wrong in forwarding this letter . . . will prevent a repetition.” ALS. DNA, RG59, Misc. Letters (M179, R64). Peabody, born and trained at law in Massachusetts, had then
moved to Exeter, where he had served as county treasurer for several years from 1789, as a State senator in 1793 and 1794, as State treasurer until 1804, sheriff from 1805 to 1819, and judge of the court of common pleas from 1813 to 1816. Everett had married Lucretia Orne Peabody in 1816.

On September 26, Clay acknowledged receipt of Peabody’s letter and assured him that he would be pleased to forward any future letters “for the same lady.”

From Alexander Williams, Greeneville, Tennessee. Requests that an enclosure be forwarded to “Colo. [John] Williams.” Adds, in a postscript: “News reach [sic] us last week that Jno. P. Erwin of Nashville, had challenged General [Sam] Houston our present Candidate for Govr. It appears the General has backed out, in other words refused to fight; this was in consequence of some words uttered by the General relative to Jno P Erwin’s late appointment of Post Master in Nashville; The matter no doubt will be before the Publick.”

On April 10, the Lexington Kentucky Reporter noted that “a great clamour has been raised because a Jackson man was not preferred by the President.” Houston had opposed the appointment, both to Adams and before the House of Representatives, with aspersions upon Erwin’s integrity and moral character. When Houston returned to Nashville, Erwin inquired about the statements attributed to him; the latter “stood by what he had said….” For an account of the ensuing negotiation which resulted in a duel on September 22 between Houston and not Erwin, but William A. White, a lawyer who had participated in the arrangements, see Marquis James, The Raven; A Biography of Sam Houston (Indianapolis, [c. 1929]), 64-67. White was shot in the groin but recovered.

From Ninian Edwards

Belleville, Illinois. 21 September. 1826

(Confidential)

However much we may have sometimes differed in politics, and notwithstanding I have been injuriously affected by your course in one particular instance,\(^1\) I have ever regarded you as a magnanimous foe, & generous friend. And while I have nothing to charge you with that was not fairly allowable on political considerations, I can not forget that I am indebted to you for some acts of friendship [sic], which entitle you to my gratitude; Though this consideration might not be sufficient to control my political sentiments, or even, predilections, I can assure you, I must undergo a radical change, if it will not always restrain me, from partaking of, or cooperating in that species of hostility which, you are daily, encountering-- I have fairly, openly, & as efficiently as I could, opposed your views, when I did not approve of them— I should probably do so again, under similar circumstances—for, I would not exchange the consciousness of independence for the best boon that any administration ever had the power to bestow— And hence, while
always ready to listen to the advice, I never have permitted the opinions or wishes of my best friends to control me against my own convictions— Nor do I believe I ever shall do so— In any opposition to you however, as I never have, so I never expect to predicate it on any want of confidence in your honor & integrity; or upon any ground inconsistent with a high personal regard for you.

With these frank remarks I take the liberty of addressing you confidentially, in regard to matters on which it is natural to expect you would feel some desire to be correctly informed—

You have doubtless, long since, heard of Mr Cook's defeat, and seen it repeatedly attributed to the predominancy of Genl Jackson's interest in this state. But although, the Genls interest is considerable, and was not without its effect on Mr Cooks election, I can assure you, it is very far from being predominant, at this time, and it never can be so, if his most influential friends continue to oppose our canal— For this measure has been so long ridden by our politicians as a hobby, and the people have been taught to expect so much from it, that no man could sustain himself in this state, and oppose it, or even support any distinguished individual suspected of opposition to it—

How then, you may ask, did Mr Cook loose his election? I will tell you— Both he & his friends felt too secure— None of them, with the exception of myself, could be induced to believe there was the least danger—. His opponent had done nothing for many months previously, but ride through the state, and visit the people at their own houses— Mr. Cook was confined by sickness, and could visit but few of the counties— The greatest possible efforts were made to turn to both his, and my disadvantage, the circumstances of the father in law, & the son in law, being both before the people, at the same time, for the two highest offices in their gift— But the circulation of thousands of hand bills, ingeniously contrived to produce the impression that both he, and myself had voted against the reduction of the price of public lands, at a period too late to be answered, or counteracted, had far more influence than all other considerations united— A strong proof that his defeat was not produced by his vote on the Presidential election is to be found in the fact, that in the strong Jackson counties (as they are called) which he did visit, he obtained majorities— Gallatin Pope, Green & Morgan are amongst the counties most highly distinguished by their partiality to Genl Jackson; and there are no four counties in the state that would yield him so large a majority— Yet Mr Cook obtained decided majorities in all of them—while in some of the strongest administration Counties he got scarcely any support— Neither Mr Cooks friends nor his foes believed he could be defeated; and the result surprized every body— The
people are already disabused in regard to the land vote— A powerful reaction has taken place, and many that opposed him are anxious that he should become a candidate for the Senate— Should he do so, there can, I think be no doubt of his election—

As to myself, I had to encounter all the opposition of the great body of Jackson interest— and to tell you the truth (and I feel no inclination to conceal any thing of the kind) I used all the policy in my power, and freely subjected myself to great risk, to force all my opponents (I mean my political enemies) to come out on that side of the question— You may think this is strange—but I will not conceal that my object was to place myself in an attitude that would throw the balance of power into my own hands. And in this, if I have any judgment at all, I have completely succeeded— My enemies are committed— If I choose to join them, we could succeed— On the other hand, I have already proved myself too strong for their combined operations, and am now in a situation to increase my strength— But for this misrepresentation of my votes concerning the public lands, which I had no opportunity to contradict, I should have received, and could now obtain two thirds of all the votes of the state— It is utterly false that I owed my election, in the slightest degree, to my forbearance, or any temporising [sic] in regard to the candidates for the Presidency; or any other kind of temporising— On the contrary, I openly declared that, I would reserve to myself the right to vote for, or oppose, whom I pleased; and bid defiance to all kind of opposition—

In regard to the Presidential election, I am entirely uncommitted, and it is my candid opinion that I shall remain so. So long as Jackson papers continue to assail me, as they have done, and are now doing, my pride would never suffer me to be led into any kind of cooperation with them— And so long as Mr Adams officers are permitted, impudently to use his own declarations & conduct to my disadvantage, in my own state, as is done in the accompanying handbill, though it may not drive me from the ground of neutrality, I never will enlist under his banners— Some of his warmest friends however, have much more than myself to complain against this Jackson Champion— And I am persuaded that the time is at hand, when the wisdom of Mr Jeffersons course in regard to the patronage of the administration must become too obvious to be any longer neglected— There are other similar cases in this state, which if permitted to continue, will, I know, take some of the Presidents strongest friends from him.

With sincerest respect, I have the honor to be Yr Mo Ob St
Hon. H. Clay

Ninian Edwards

ALS. DLC-HC (DNA, M212, R2). Endorsed on cover by Clay: "... {Answered 11 Oct 1826}" Answer not found.

2 See above, Edwards to Clay, July 18, 1825.

3 Joseph Duncan.

4 Cook died October 16, 1827.

5 The enclosure, bearing the title, "To the Public," attacks Edwards' record in public office and in his controversy with William H. Crawford. In connection with the latter, the anonymous pamphleteer noted that Adams, "Edwards' favorite candidate for the presidency," in the last election had been closely associated with Crawford during the past eight years, had been "in Washington during the whole of the investigation" of Crawford's conduct, yet had "tendered, to Mr. Crawford the treasury department, nay, insisted, immediately after his election as president, upon Mr. Crawford's still continuing to administer the finances of the nation." "Would the president . . .?" he queried, "have entrusted the department to the control and management of Mr. Crawford, if he sincerely believed that that gentleman, heretofore, had mismanaged the national funds? or, in other words, if he had believed the charge of gov. [sic] Edwards established?" A handwritten note, partly illegible, at the top of the first page, attributes authorship of the handbill to "Edward Humphreys, Register of the land office at Kaskaskia." The latter had first received his appointment in 1820 and held it until his death in 1840.

6 Despite protestations that difference of political opinion was no cause for removal from office, Jefferson during his first term of office had discharged about a third of the officials appointed by John Adams and in their place had appointed men who were "friendly to his ideals. . . ." Saul K. Padover, Jefferson (New York, [c.1942]), 299-300. He confined his appointments, "with rare exceptions," to his own supporters. White, The Jeffersonians . . ., 335.

INSTRUCTIONS AND DISPATCHES

September 21, 1826

From Nathan Levy, St. Thomas. Transmits enclosure just received from Barbados. LS. DNA, RG59, Cons. Disp., St. Thomas, vol. 1 (M-T350, R2). Received October 22. The enclosure is a copy of an order dated August 2, 1826, to the commissioners of customs, which conveys notice of the closing of the West Indies ports and of Newfoundland to American vessels after the coming December 1. Cf. above, Gallatin to Clay, August 19, 28, September 13, 14, 1826.

To James G. Birney

Dear Sir


On my return to this City two days ago, I found here your obliging letter of the 7th. Ult. for the valuable information contained in which be pleased to accept my thanks.

In respect to the appointment of an attorney, in consequence of the death of poor Frank Jones, it will be delayed until the President's return next month to the City. Your opinions and suggestions on that subject will receive friendly consideration. I should be highly gratified to hear of the election of Mr. McKinley to the Senate, of which you say there exists a probability. The Administration would expect from him a candid consideration and an impartial judgment of public measures. Of my namesake I know but little, and nothing personally.

I have learnt, with much satisfaction, your friendly dispositions
towards the Administration and myself personally. You will hear, with pleasure, that North and East of this place its prospects are good. In Maryland, whose Senate is just appointed, eleven of the fifteen members composing it, are friendly. Indeed, whatever may be the exertion, in your quarter and in the South, of Genl. Jackson's friends, I do not entertain a particle of doubt of Mr. Adams's re-election. With high regard I am Your's truly

H CLAY

J. G. Birney Esqr

ALS. NN.  
1 Not found.  
2 Cf. above, Birney to Clay, August 5, 1826.  
3 John McKinley was elected.  
4 McKinley's opponent was Clement Coner Clay.

From Edward Ingersoll

Dear Sir

Philadelphia. September 22. 1826.

I beg leave to intrude with my congratulations on your safe return to Washington.

A return to the labours of office after a period of absence passed among such friends as yours in the West may not be a very fit subject for rejoicing. But it implies in your case a better condition of health than some accounts of you imputed, and an escape from the perils of a long journey and the fatigues of public dinners.

I beg permission also to lay before you a copy\textsuperscript{1} of a late production of my zeal—which though not, I believe, guilty of one new idea, nor chargeable with any elegance of diction, was intended to assist some of our well meaning but not acute Pennsylvanians in resisting the allurements and sophistry and falsehood of the Inghamites,\textsuperscript{2} and to arm them with weapons of homely fashion but familiar use with which to defend themselves from the temptations of the enemy.

In truth I was writing a very plain and simple kind of a letter to one Judge Coolbach\textsuperscript{3} an acquaintance of mine, in Pike County, whom I found well disposed enough but sadly puzzled—. I had not time while at his house to set him right, but determined to take some pains, for the sake of his conversion. It occurred to me also that as there are many others equally well inclined but benighted, they might be benefitted by a short plain manual so familiar in language and illustration that they might use the thoughts to defend themselves with, and yet not seem to be quoting a book.

I accordingly printed the letter in the shape it now bears and have sent it into all parts of this state addressed to such persons as I thought would make a proper use of it. I have preserved the incognito and none even of our friends here know from whom it came.

I do not suppose much is to be effected by such means—but if
even one 'Judge Coolbach' is helped to maintain himself against the Jacksonites—it will be enough to justify the trifling trouble that it cost me.

Hemphill\(^1\) has not only declined a re-election, but resigned his seat, and we have our troubles about filling it.

The Jacksonites are too many for us and have put in nomination one Henry Horn,\(^5\) a noisy empty brawler;—we had some hopes of getting John Sergeant or Charles Ingersoll nominated. Either would accept a nomination for the next Congress. There is a private meeting at Mr Bins\(^6\) this evening to discuss a project of attempting to overpower Mr Horn at the town meeting— I am prevented by indisposition from attending— but I do not think the plan a feasible one\(^7\) — . Sergeant can not be supposed eligible to this Congress as he must go to Panama or Guatemala for the coming winter at least—and Charles Ingersoll seems not to be sufficiently decided as a friend of the Administration to be in favour with the administration party. Most truly Yours

EDWARD INGERSOLL

Hon. H. Clay.

ALS. DLC-HC (DNA, M212, R2). Endorsed on verso by Clay: "... Amended 10 Oct 1826." Answer not found.

1 Not found.

2 Followers of Samuel D. Ingham.

3 Possibly John Coolbaugh, a Republican leader elected to the Pennsylvania Legislature, representing Berks and Northampton Counties in the late 1790's.

4 Joseph Hemphill.

5 A native of Philadelphia, elected to Congress in 1831 and served one term.

6 John Binas.

7 Cf. below, Sergeant to Clay. September 28, 1826.

From Robert Scott

Dr. Sir,

Lexington, 22nd. Sepr. 1826

My last communication was of 13th. inst. to which please refer— Since then have received your favor dated W. S. Springs, 28 Augt. Ulto.\(^1\)

I have forwarded your letter to Mr. Hawes,\(^2\) and since have mentioned to him that the amount of yours in his hands is necessary to your purposes here— I expect he will send it to me in a short time, as I know he lately recd. upwards of 3000$ of a debt due him by Colo. Owings\(^3\)—

Mr. Jno. U Waring is now here and says he will leave here in a day or two for W. City\(^4\)— He mentioned to me to day that he was authorized to give 3$ per Acre for the Fisher tract of land, which lies in Union Cy, nearly opposite Shawneetown\(^5\) and is in dispute now in the Court of Appeals\(^6\)— If you recollect, we succeeded in the Court below against Higgins and Cockerell; but the Commrs. valued the improvements to 2300$ and odd—and we carried it to the Appellate Court on write [sic] of error— the
improvements are valued to something more than I would give for the land— It was sold I believe to the present occupants at 5$ and one time was supposed to be worth 10$ per Acre; but when I was there in 1824 I made sundry enquiries as to its value and 3$ per Acre was what it was supposed to be worth— The tract contains 600 Acres— A Colo. Waggoner,7 as I believe sold 500 Acres of it, and under his title the present occupants entered—there is 100 Acres of it clear of dispute—

I understand from Mr. Waring, that the heirs of Waggoner are the persons who wish to clear the land of incumbrance—And promised him I would mention the subject to you. I have done so and communicated all I know of the matter—in order that you may determine whether it is best to accept the proposition or abide the result of the suit— Mr. W. stated that Waggoners heirs are bound for between 17 & 1800$, on Acct of the 500 Acres sold by their father— If you accept the proposition interest I beleive may be obtained until payment is made—

I have sold J B Januarys other negro, and recd the balance of the debt secured by his mortgage—say 323$.8

At the end of the month I will send a statement of Accounts9— We are all well— very respectfully Your obt. Servt. ROBT. SCOTT Honble Henry Clay

ALS. KyLxT.

1 Clay’s letter from White Sulphur Springs has not been found.
2 Richard Hawes, Jr. The letter has not been found.
3 Thomas Deye Owings. 4 Washington.
5 In Union County, Kentucky, across the river from Shawneetown, Illinois. The tract, comprising 600 acres of military land on the Ohio River, had been purchased by James Morrison from (Frederick) Ridgely, who, earlier, had bought it from “John Fisher of Ohio.” Fayette County, Will Book F, p. 71.
6 Two suits, Fisher vs. Cockerell and Fisher vs. Higgins had been appealed from Union Circuit Court, where decisions had been rendered in accordance with terms of the Kentucky “occupying claimant” law of 1820, which provided that an occupant might hold disputed land free of rent after an adverse judgment until the successful claimant paid the value of all lasting improvements. In principle the decisions were upheld, though that against Higgins was sent back to the lower court for adjustment subtracting the value of a ferry, not deemed a “lasting” improvement under the terms of the act. 21 Ky. Repts. (5 T. B. Monroe) 129-39, 140-42 (Spring Term, 1827); Ky. Gen. Ass’y, Acts, 1820, pp. 148-51 (December 20, 1820). Cockerell was probably William, who had settled near the Shawneetown Ferry in 1812. Higgins not identified.
7 Not identified.
8 At the sheriff’s sale of January’s property on July 20, 1821 (cf. above, III, 103n), Morrison had acquired three slaves, which under the terms of a mortgage contract Morrison had agreed to leave in January’s possession for possible redemption prior to April 1, 1823. Fayette County Court, Deed Book W, 57-58. Two of the slaves had been sold on January 9, 1826; the third on September 22. The commissioner’s report was filed on September 23, Fayette Circuit Court, Civil Orders, vol. 5, pp. 47-49.
9 See below, Scott to Clay, October 7, 1826.

INSTRUCTIONS AND DISPATCHES

September 22, 1826

From ALBERT GALLATIN, London, no. 13. Encloses copy of his answer to Canning’s note of September 11 (see above, Gallatin to Clay, September 20,
States that "On three points" the United States "were perhaps vulnerable. 1. the delay in renewing the negotiation. 2. the omission of having revoked the restriction on the indirect intercourse when that of Great Britain had ceased. 3. too long an adherence to . . . opposition to her right of laying protecting duties. This might have been given up as soon as the act of 1825 had passed" (see above, Rush to Secretary of State, March 26, 1825, note).

Reflects upon the change in attitude of the British Government toward the United States since he was last in England in 1818 and observes that "the difference may . . . be in the times rather than in the men." "Treated in general with considerable arrogance till the last war, with great attention if not respect during the years that followed it, the United States are now an object of jealousy: and a policy founded on that feeling has been avowed." Encloses speeches of (William) Huskisson which support this interpretation and also, "on account of its references to Mr. Huskisson's expressions," a portion, not included in the final version, of the draft of his own letter to Canning. Comments that he sees it "to be the true interest of both Countries" to compose their differences: "The British West India Colonies cannot be supplied on reasonable terms from Europe; and their North American Colonies have not a sufficient surplus of their own for that purpose." Maintains that their "single weapon to enable them to hold out" is expansion "of the warehouse system in Canada, and, if this should prove insufficient, a repeal of the duties now laid there on . . . produce imported by inland navigation. . . ." Expresses the opinion that such measures would attract "the whole that is raised for exportation in that portion of the United States bordering on the Lakes and on the St. Lawrence." Advises that although "the want of a market" in the grain producing states is "severely felt," the United States ought "to be satisfied with the prohibition of the intercourse as already provided for by law" (see above, III, 729n). ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received November 16. Extract published in American State Papers, Foreign Relations, VI, 553.

MISCELLANEOUS LETTERS

September 22, 1826

From David Dickson, Port Gibson, Mississippi. Refers to his earlier letters to Clay (above, June 2, 4, July 3, 26, 1826), "all of which remain unanswered"; inquires whether he is "to be retained in this service, or whether the President has appointed an other to succeed" him. ALS. DNA, RG59, Cons. Disp., Texas, vol. 1 (M-T153, R1). Endorsed by Clay on cover (AE): "Has Mr. Dickson been appointed?" Cf. above, Clay to Dickson, June 20, 1826.

From Joseph Karrick, Philadelphia. Recalls that, during the last winter, Clay furnished him with a letter of introduction (not found) to (Richard C.) Anderson (Jr.); encloses copies of his correspondence with Anderson and a letter to (Simón) Bolívar (in regard to a claim against Colombia). Solicits appointment as a messenger, for the purpose of enabling him to return to Colombia. Requests aid in presenting his claim. ALS. DNA, RG76, Misc. Claims, Colombia.

The claim dated from seizure, in 1818 by a Colombian squadron, of the Good Return, a vessel chartered by Karrick (not further identified) to trans-ship cargo seized by privateering. The claim was later recognized by Venezuela in an "unofficial settlement," but it was rejected by commissioners directed to
liquidate outstanding claims against the "late Republic of Colombia" under a
On September 25, Daniel Brent by Clay's direction acknowledged receipt of
Karrick's letter, stated that Anderson's successor would be directed to aid in
prosecution of the claim, and explained that there was "no occasion" for
employing a bearer of dispatches. Copy, in DNA, RG59, Dom. Letters, vol. 21,
p. 392 (M40, R19).

To George Thompson

My dear Sir

Washington 23d. Sept. 1826

I recd. your very kind letter of the 22d. Ulto.1 with its inclosures,
for which be pleased to accept my cordial thanks. I am highly
gratified to perceive that at your advanced age you retain so much
health and spirits. May you live (as the Spaniards say) a thousand
years! The President will receive your advice, about early rising,
with much respect; but when here, day break scarcely ever finds
him in bed. I rise myself early but not so early as he does, and
ride or walk some miles before breakfast.

I am pleased to find that you approve of the course of public
affairs, and that your friendly sentiments towards myself remain
unchanged. We are doing, I assure you, all that we can for the
good of our Country; and I shall be happy if we should continue
to deserve your approbation.

With my warm regards to your son2 I remain truly Your friend

H. Clay

ALS. DLC-HC.

1 Not found.
2 George C. Thompson.

From John Sergeant

Dear Sir,

(Private) Philada. Septr. 23. 1826.

I am very glad to learn that you have arrived at Washington
with improved health. The struggle you have to maintain, against
an opposition the most ferocious that has existed under our Govern-
ment, is of a nature to task you severely. If you succeed—as I trust
and believe you will—the greater will be the triumph, and the more
gratifying the reflections it will afford you hereafter. The ap-
proaching session will probably be as ill natured as the last, but
fortunately, not so long.

Yesterday's mail brought me, under cover from your department,
a letter from Mr. Poinsett1 of the 19th August. He says "We
yesterday received advice of the arrival of the Plenipotentiaries
from Panama at Acapulco, and of their determination to continue
their sessions in the village of Tacubaya situate about two leagues
from this capital. I trust this intelligence will reach you in season to prevent your going round by Panama." You have probably the same information, but I thought it would be well to give you this extract.

As soon as you can say any thing (privately I mean) as to the mission, I will be much obliged by a line from you. It will be very satisfactory to me to know your views upon the state of things presented by the late intelligence, and particularly as to the probable time of departure, so that the needful arrangements may be made accordingly, and I may disengage myself from all matters here.

With great regard, I am, Dr. Sir, Very respectfully & truly Yrs. 
Honble Henry Clay.

JOHN SERGEANT.

(P.T.O.)

P.S. While this letter was in hand, a gentleman from New Jersey came into my office upon business, a respectable and intelligent man. After the business was disposed of, we fell into conversation about the recent convention in N. Jersey, which gradually became more general, and in the course of it he adverted incidentally to the vacant judgeship there. The enclosed memorandum is the substance of what he said, which it may possibly be useful for you to know. If not, it will do no harm. Please to regard it as in confidence.

ALS. InU.  
1 Joel R. Poinsett.  
2 Cf. above, Poinsett to Clay, August 20, 1826.  
3 See above, Clay to Sergeant, September 25, 1826.  
4 The "republican convention" meeting at Trenton for the purpose of selecting a congressional ticket had been marked by "ardent proceedings and great confusion." Unable to come to agreement, the partisans of Adams and Jackson had subsequently named separate tickets. Niles' Weekly Register, XXXI (September 30, 1826), 67.  
5 Cf. above, Williamson to Clay, September 21, 1826.  
6 Not found.

INSTRUCTIONS AND DISPATCHES  
September 23, 1826

From James Brown, Paris, "Private." Notes speculations arising from (George) Canning's visit to Paris, where he "has now been . . . about a week" (see above, Gallatin to Clay, September 4, 1826, note); comments on "The latest accounts from Portugal" and the strained relations between Russia and Turkey (see above, Brown to Clay, April 27, 1826, note); cites accounts in Russian papers of an incursion of Persian troops into Russian territory and the reported assassination of "Prince Menzikoff the Russian Ambassador in Persia"; states that "the conduct of Constantine on the occasion [of the coronation of Nicholas I] has been highly applauded." Interprets a published "letter from the Minister of the Marine [Count Chabrol de Crouzol] authorising vessels carrying the Mexican flag to enter the Ports of France" as "a virtual recognition of the Independence of Mexico" and reports the expectation "that a similar step will be taken by France in relation to the other American Republics, as soon as the French Agents sent to them respectively, shall have been received." L.S. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received November 8.

Prince Alexander Sergeievich Menshikov, who had been attached to the imperial staff during the Napoleonic wars, had retired from army service in 1823 and had been sent to Tehran as Ambassador Extraordinary upon the accession of Nicholas I. In the course of heated negotiations upon a border dispute, Menshikov had been detained by the Persian authorities at Erivan (in Armenia) and his dispatches, intercepted. He shortly thereafter escaped. In 1834 he was assigned to reorganize the Russian Navy, and during the Crimean War he commanded Russian land and sea forces until 1855.

France did not accord formal recognition to the Latin American Republics until 1830, though she renewed trade relations with them in 1825-1826. Cf. above, Brown to Clay, January 11, 1826; Poinsett to Clay, May 9, 1826, note; Robertson, France and Latin-American Independence, 383-98, 525-57.

From J[oel] R. POINSETT, Mexico, no. 58. Reports having been assured that, despite talk among the plenipotentiaries of Panama about subduing Cuba and Puerto Rico, “no decisive measures with respect to them were resolved upon,” probably, he surmises, owing to “the language which has been held by the President with regard to these Islands [see above, Clay to Salazar, Clay to Obregon, December 20, 1825], and by the inability of the Governments of Mexico and Colombia at this time to undertake any expensive expedition.” Explains that “the offensive and defensive Treaty between the Spanish American States . . . embraces two objects”: increase of naval strength and reduction of ground forces. Notes that he has not seen the treaties. LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Published in American State Papers, Foreign Relations, VI, 361-62. Received November 3. On the agreements entered into at Panama, see below, Salazar to Clay, November 20, 1826, note.

From CONDY RAGUET, Rio de Janeiro, no. 15. Complains at length of brazen insults by Brazil to the United States, in the form of violations of neutral rights and impressment of seamen; deplores the lack of support from his own government for his efforts to uphold American interests; and points out that he has not had from the State Department “a single line of later date than the 16th of April 1825.” Recommends that the President bring “our relations with Brasil, before the Publick, in his message to Congress”; recommends also that he “be specially instructed to make a formal demand upon this Govt. for the immediate surrender with damages of all vessels which have been, or may be captured in opposition to the laws respecting blockade, maintained by us, including the cases of the Spermo and Exchange” (see above, Raguet to Secretary of State, March 11, 1825, note), and to demand a stop to “the practice of taking American seamen out of American vessels,” with satisfaction for acts already committed. Asserts that the “instructions . . . should be accompanied by an order for . . . [his] recall, in case the demands should be rejected. . . .” Emphasizes that “Now is the moment to make our nation respected by this. Now is the moment, to make this Govt. feel the influence which we are destined to maintain in the Hemisphere of Liberty, and if it be desirable to negotiate a treaty of commerce, perhaps now is the moment, when the footing of the most favoured nation, might be obtained, as the price of a reconciliation. . . .” Suggests “that despatches sent by a fast-sailing publick vessel, would produce an effect of the most important character.”

Encloses copies of his representation in the case of the Ruth (see above, Raguet to Clay, September 1, 1826) and of “a correspondence which took
place at Monte Video, between Mr. [Joshua] Bond our Consul, and Admiral [Rodrigo] Pinto [Guedes] relating to some American seamen," deserters, who "had been received into the Imperial Service" (cf. above, Bond to Clay, June 30, 1826).

Reports that France appears "more and more disposed to regard the South American question, rather as a commercial than as a political one" and to have warned Spain to recognize the independence of her colonies, "with the declaration, that she will herself not much longer delay such an act. . . ." Notes that Lord (John) Ponsonby left Brazil believing "that nothing but the absolute want of means to carry on the war, will induce this Governmt, to abandon its ambitious and warlike views." Warns that the "unreserved manner" of his communications to the (State) Department "will require some caution in the selection of articles for publick exposure," especially as he believes he has "seen in some diplomatic documents laid before Congress, extracts calculated to impair the harmony and mutual confidence which should always subsist between our Ministers abroad, and their Colleagues." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received November 17. Published in American State Papers, Foreign Relations, VI, 1032-34.

MISCELLANEOUS LETTERS September 23, 1826

From Joseph Delafield, New York. States that a meeting of the Board (of Commissioners under the 6th and 7th articles of the Treaty of Ghent) will follow the arrival of (Peter B.) Porter, who "is daily expected." Notes the expectation that this meeting, "long . . . deferred, by the insufficiency of preparations on the part of the British officers of the commission," will "terminate the business." ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI-VII, env. I, folder 2. Cf. above, Delafield to Clay, May 25, June 23, 1826.

To Samuel L. Southard

My Dear Sir Washn. 24 Sept. 1826

I returned to the City on the 19h. inst. with a sensible improvement in my health. I should have immediately written to you, but as you were on the wing I did not exactly know where to hit you. I believe every thing goes on here very well. I called to see Mrs. Southard yesterday but understood that one of your children was a little indisposed, and had not the pleasure to see her.1 You will doubtless have from her direct and satisfactory information. We expect the President between the 15h. and 20h. of next month. Barbour2 will be here in about a week.

We are in the dark about your movements in Jersey, at the Convention. Both parties claim the majority in it; each appears to have nominated a Congressional ticket. How stand matters really?3 Your State may be quite important, if Pennsa. should persevere in her preference at the last election.4 In the West, notwithstanding Cook and Scott5 have lost their elections, I do believe
every thing safe. I can answer for Ohio, Kentucky, Indiana, and Louisiana, with good prospects in Mississippi, Illinois and I think in Missouri. Let me hear from you. Yr's faithfully  H Clay

Mr. S. Southard &c. &c. &c.


1 Southard had married, in 1812, Rebecca Harrow, a ward of John Taliaferro, on whose estate Southard had been a tutor from 1804 to 1809. The couple had at least two children, Virginia, who became a Washington belle around 1828, and Samuel Lewis born in 1819, who became an Episcopal clergyman.

2 James Barbour.

3 See above, Sergeant to Clay, September 23, 1826, note. At the ensuing election the Adams ticket had a majority of 5,044, with less than a thousand voting for the Jackson slate. *Niles' Weekly Register, XXXI* (October 21, 28, 1826), 127, 130.

4 Cf. above, Binns to Clay, May 10, 1826, note.

5 Daniel P. Cook; John Scott.

**APPLICATIONS, RECOMMENDATIONS** September 24, 1826

ISAAC WILLIAMSON, Elizabeth (New Jersey) recommends (William) Rossell, a justice of the State Supreme Court “for upwards of twenty years,” for appointment to fill the vacancy caused by the death of (William S.) Pennington, late "District Judge for the New Jersey District." ALS. DNA, RG59, A. and R. (MR3). Endorsed, October 2, by William Brown, W. N. Jeffers, and Hedge Thompson, who concur in the recommendation. AES by Brown, signed also by Jeffers and Thompson.

Williamson, a native of Elizabeth, had been a member of the New Jersey Assembly from 1815 to 1817 and Governor and chancellor thereafter (until 1830). From 1831 to 1832 he served as a member of the State council and from 1830 to 1833 as mayor of Elizabeth. Rossell, long a leader of the Jeffersonian partisans in West Jersey, was given an interim appointment to the Federal judgeship on November 12, 1826. For comment on the significance of this appointment as an expression of Adams' political stance, see William J. Chute, "The New Jersey Whig Campaign of 1840," *New Jersey Historical Society Proceedings, LXXVII* (1959), 232.

Brown and Jeffers have not been identified. Thompson, a physician, graduate of the medical school of the University of Pennsylvania, had been a member of the New Jersey General Assembly (1805) and State council (1819), had served as judge in Salem County, New Jersey, and was, from 1826 to 1828, collector for that county. He was a member of Congress from March 4, 1827, until his death, July 23, 1828.

To [John Quincy] Adams

Dear Sir  Washington 25th. September 1826

I have the honor to transmit herewith a letter of instruction which I have prepared for Mr. Porter,¹ one of the Commissioners under the treaty of Ghent to fix our boundary with G. Britain. It is accompanied by copies of letters from him and from Mr. Barclay,² sent for your perusal as affording the grounds for the instruction. My first impression was that the subject might be
properly postponed until the result should be known of the negotiation in regard to our boundary beyond the Rocky mountains; but, on more consideration, I thought that, whatever may be the issue of that negotiation, it will be material to ascertain the most Northwestern point of the Lake of the Woods, and to connect it with the 49 parallel of North latitude. I therefore presumed that you would be disposed to accede to the request of Mr. Barclay, and accordingly prepared the instruction. If you approve it, as Genl. Porter will be with his colleague in the City of N. York, on the business of their Commission, about the last of this month, an opportunity will be afforded of placing it in his possession, without delay. I am, with great respect, Your obedient Servant H. CLAY

To Mr. Adams &c.

ALS. MHi:Adams Papers, Letters Received (MR477).
1 Below, this date.
2 Anthony Barclay.
3 Cf. above, Clay to Gallatin, June 19, August 8, 1826.

To Peter B. Porter

Peter B. Porter &c.


Your letter [sic] under date the 15th. May & 28th. August last have both been received, conveying a proposition from Mr. Barclay, in virtue of authority from the British Government to proceed with you to the immediate execution of the Stipulation of the Second Article of the Convention of 1818, respecting the establishment of the most North western point of the Lake of the Woods, and the line to be drawn thence to the forty ninth parallel of North Latitude, if that point should not be found to be in that parallel.—As this appears to be necessary to the complete ascertainment of that portion of the Boundary between the territories of the United States and Great Britain, the fixation of which has been confided jointly to Mr. Barclay and yourself, the President accedes to the proposal which has been made; and authorises you to concur with Mr. Barclay in establishing the most North Western point of the Lake of the Woods, and the line which may be necessary to be run from that point, due North, or South, to the forty ninth parallel of North Latitude. The President accepts the above proposal, not only from a disposition to conform, in this respect, to the wishes of Great Britain, but from the considerations that much harmony has hitherto happily prevailed between Mr. Barclay and yourself, in the discharge of your arduous duties, and that you already possess materials which may enable you to execute what is proposed; and from the persuasion that no time will be
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unnecessarily wasted by you.— I am, with great Respect, Your
obedt. Servt.,
HENRY CLAY.—

1 Anthony Barclay.
2 See above, II, 611n.

To John Sergeant


My Dear Sir,

I have received your friendly letter of the 23d. for which be
pleased to accept my thanks— My health has sensibly improved,
during my late absence from my post, and is now such as I should
rejoice to be able always to retain.—

I received from Mr. Poinsett information similar to that which
he has communicated to you.1 Tacubaya, I understand, is an
agreeable village made up principally of country residences of
Gentlemen, inhabiting the City of Mexico, of which it may be re­

2 regarded as an appendage. I have no information of the time when it is
expected that the conference will be opened at that place; but from
the fact of some of the Ministers, at Panama, having returned home
to communicate with their respective Governments, and the
necessary lapse of time incident to their rejoining their colleagues,
I should hardly suppose that it can be earlier than December. The
Mexican legation here has no intelligence on the subject, other
than that which we possess. Without knowledge as yet of the
President’s intentions, and expressing merely my own views, I
should say, that your departure from the U. States ought to take
place about the 10th. of November, a little earlier, if possible— I
congratulate you on the agreeable change in the place of the meeting
of the Congress—

As far as we are acquainted with the transactions at Panama
nothing was done there but what was anticipated, and nothing to
diminish the interest which this County has in the proceedings
of the Congress

The President will be in Philadelphia about the 10th. of next
month, and will, therefore, present you an opportunity of knowing
his views and intentions.—

I thank you for the Memorandum which you transmitted, of
which no improper use shall be made.— I am cordially & respect­

fully, yours,

H. CLAY.

Copy, DNA, RG59, Unofficial Letterbook of H. Clay, 7-8.
1 Cf. above, Poinsett to Clay, August 20, 1826. If this is the letter to which Clay
refers, the clerical entry of its receipt in the State Department is erroneous. Cf. also,
above, Poinsett to Clay, August 26, 1826, noted as received the same day.
To John Speed Smith

John Spead [sic] Smith Esqr. Richmond Virginia

Sir,


I received your Letter of the 6th. instant, transmitting one from Mr. R. G. Williams, narrating the circumstances attending an outrage committed on him and his party by a band of Indians within the limits of the territory of the Mexican States, by which he lost several hundred head of horses, Mules and Jacks. The outrage was of a kind which undoubtedly deserves severe punishment, but I can hardly think that our own Government can be held bound to indemnify for the loss sustained. That indemnity, if made by any Government, should proceed from that of Mexico. If Mr. Williams, or his associates will transmit to this Department, any evidence shewing the extent and nature of the injury, which they experienced, I will forward it to our Minister at Mexico with Instructions to use his endeavours to obtain redress for the sufferers.— I am with great Respect, yr. obedt. Servt.,

HENRY CLAY.


1 Should read, Kentucky.

From A[ndrew] Parsons

Dear Sir

Paterson Sep 25 1826

Being a friend of yours and thro’ you of the present administration I have taken the liberty to address a few remarks in regard to a vacancy that will soon have to be filled occasioned by the death of the Honl Wm Pennington district Judge for this state.— You must be well aware that during the present excitement, that the utmost caution ought to be exercised in making appointments and that a preference ought to be given to Republicans who have “bourne the heat and burthen of the day” when they can be made with a due regard to the public interests and are equal to the offices to which they may be appointed. I have heard among other names Richard Stockton and Aaron Ogden mentioned as candidates to fill the above vacancy both Capable men but the last War marked them in the ranks of the opposition and always in the ranks of Federalism.

The latter refused an appointment of a Brigadier General in the Army of the United States if my recollection serves me. I have no person who [sic] I have any prediliction [sic] for in view only that he must be a Republican of the old school and a friend to the present Administration which I think is essential in this state where each party is endeavouring to succeed—
SEPTEMBER 25, 1826

You will please excuse my freedom. I am very respectfully Your Obedt. Servt.

Honl Henry Clay Secty of State—

A. Parsons

ALS. DNA, RG59, A. and R. (MR3). Parsons not further identified.

1 Cf. above, Williamson to Clay, September 24, 1826, note. Stockton, born in New Jersey, graduated from the College of New Jersey (Princeton), and, in 1784, admitted to the bar, was recognized as his State's most prominent Federalist. He had been a member of the United States Senate from 1786 to 1799, of the State general assembly from 1813 to 1815, and of the United States House of Representatives, also from 1813 to 1815. For comment on the effect of Adams' failure to award him the desired judgeship, see Livermore, Twilight of Federalism, 212, 239.

Ogden, a native of New Jersey, graduate of the College of New Jersey, and prominent lawyer, had been an officer in the Continental Army during the American Revolution, a United States Senator (1801-1803), and Governor of his State (1812-1813). He had been proprietor of the steamboat line, running from Elizabeth, New Jersey, to New York, which occasioned the famous case of Gibbons vs. Ogden (see above, H1, 627n) and brought him to financial ruin. He also swung his support to the Jackson administration and from 1829 until his death in 1839 held office as collector of the customs for Jersey City.

DIPLOMATIC NOTES

September 25, 1826

To Charles R. Vaughan. Transmits papers concerning the mutiny on board "the Schooner Fairy bound from Boston to Gottenburg." Admits not knowing "whether the Laws of Great Britain are competent to the trial of the Offenders" and inquires whether the prisoners may be surrendered to the United States for trial. Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 282-83 (M38, R3). ALI draft, in CSmH. See above, Cunningham to Clay, September 18, 1826.

From Pablo Obregon, Washington. Refers to the incident involving the Eagle (see above, Poinsett to Clay, April 30, 1826): states that his government considers the actions of the American crew "un insulto al decoro nacional," which, if not punished, may lead to restrictions on commerce and less friendly relations between the two nations; and expresses a hope that the President will order the captain of the Eagle to trial and the surrender of the Mexicans who were made prisoners. LS. DNA, RG59, Notes from Mexican Legation, vol. 1 (M54, R1).

From Pablo Obregon, Washington. Refers to the case of the Nile (see above, Poinsett to Clay, March 8, 1826); requests punishment of the captain (George Newell) and recovery of the sum of money of which he defrauded Mexico. LS. Ibid.

INSTRUCTIONS AND DISPATCHES

September 25, 1826

From John M. Forbes, Buenos Aires, no. 41. Notes reports of threatened invasion of Chile by (Bernardo) O'Higgins (see above, Tudor to Clay, July 5, 1826; Allen to Clay, August 7, 26, 1826), conspiracy and insurrection in Peru (see above, Tudor to Clay, August 1, 24, 1826), and discontent in Bolivia. Cites, as a basis for optimism concerning the Republic of Buenos Aires, his
belief that "the rebellious attempts of [Juan Bautista] Bustos' party" will be defeated by the loyalty of "Provincial chiefs . . . to the National Executive," and "by the acceptable character of the Constitution now under discussion" (see above, Forbes to Clay, July 15, 1826; below, Forbes to Clay, December 4, 1826). Summarizes the difficulties overcome by (Carlos Antonio José de) Alvear in strengthening the national army and refers to "hopes . . . now entertained of the successful opening of the campaign" and to the contemplated "immediate invasion of the Brazilian frontier." Reports the arrival of Lord (John) Ponsonby, the appointment of Manuel José García as Minister to England, and the choice (not yet published) of Tomás Guido as Minister to the United States. Adds, on October 1, that the public has been excited "by reports that Lord Ponsonby was engaged soliciting [sic] this Government to accept a certain basis of negotiation ( . . . a pretended independence of the Banda Oriental under the guarantee of England)," which "it is now understood . . . has been entirely rejected." Refers to a report that García will, on his way to England, stop at Rio (de Janeiro) "to attempt some indirect negociation" and states his "own Conjecture . . . that this Government will make trial of a female influence, by which it is said Don Pedro is compleatly enslaved" (cf. above, Raguet to Clay, June 27, 1826). States that trouble between Buenos Aires and Bolivia appears to be imminent, occasioned by the failure of the Buenos Aires Government to recognize that established under the leadership of Bolivar. LS. DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Continued September 26, October 1. Received December 29. Published in Espil (comp.)., Once Años en Buenos Aires, 447-50.

Bustos provided leadership for the opposition of the provinces to the centralization of power under Buenos Aires (cf. above, Forbes to Clay, February 9, 15, March 4, 1826), a conflict expressed at this time in the struggle over adoption of the new constitution.

Carlos Antonio José de Alvear (popularly known as Carlos María de Alvear) had been born in Argentina but had served as an officer in the Spanish Army during the Peninsular War against Napoleon. In 1812 he had returned to his native land and during the next few years had emerged as a leader of the revolutionary forces. For several months in 1815 he had been Supreme Dictator. In 1820 he had attempted again to assume power but had been driven into exile. After enactment of a general amnesty in 1822, he had returned to Buenos Aires and, as a supporter of Bernardino Rivadavia, held a succession of diplomatic missions. Alvear had been named Minister to the United States in 1824; but, partly because of his other, temporary, assignments and partly because of the Argentine political controversy, the ambassadorial post remained vacant most of the time until 1838, when he at last assumed the office and remained in the United States until his death in 1852.

Tomás Guido, also active in the Argentine liberation movement since its early development, was not sent to the United States but from 1828 to 1829 and from 1833 to 1835 served as Minister of Foreign Affairs.

From ROBERT MONROE HARRISON, Antigua. States, in order to explain his request for "the appointment to St. Barts." (above, September 20, 1826), that he does not wish to leave Antigua "if there's any prospect of the difficulties, as regards the intercourse with the Colonies being arranged." Asks to be allowed to keep his present appointment "and a temporary one for St. Barts," for, if satisfactory arrangements can be made between the United States and England, he would prefer remaining where he is. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). An accompanying newspaper clipping, apparently enclosed, contains a statement relative to closure of ports, in the
SEPTEMBER 26, 1826

British West Indies and Newfoundland, to United States shipping after December 1 (see above, Gallatin to Clay, August 19, 1826).

MISCELLANEOUS LETTERS September 25, 1826

To ROBERT CRITTENDEN, Little Rock, Arkansas. Acknowledges receipt of his letter of August 17; grants his request; and instructs him to work out, for the period of his absence, arrangements with the Governor (George Izard) “to prevent any inconvenience to the public service.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 393 (M40, R19). Published in Carter (ed.), Territorial Papers XX, 290.

To [EDWARD] EVERETT, Boston. Introduces the bearer, (Edwin Upshur) Berryman, “one of the most respectable of our merchants in Lexington (K) . . . .” ALS. MHi.

APPLICATIONS, RECOMMENDATIONS September 25, 1826

From JAMES [. . .] BOYD, New York. Inquires concerning renewal of the bond of “D[aniel] W. Smith Esqr. Consul of the United States for the Port of Rio Grande, Mexico.” States that he has “held the Situation of Vice Consul for the last year, under Mr. Smith,” and asks whether he would need “the approbation of the President . . . in order that . . . [he] might perform the duties of the office [of Vice Consul] under . . . [his] own name.” ALS. DNA, RG59, Misc. Letters (M179, R64). Boyd not identified; his middle initial not legible.

To Philander Chase

MY DEAR BISHOP: Washington, 26th Sept., 1826.

I returned a few days ago, and found that Mrs. Clay had reached the city some days before me, full of gratification with her visit to Worthington.¹ I also found here your favor of the 29th ult.² I regret the continued decline of your capital in English funds.³ As to the best investment of it in this country when you wish to draw it from that, we have time enough to think of that operation. In this country, I strongly incline to think, the best will be in the canal stock of Ohio.⁴

I have seen the Postmaster General,⁵ about the establishment of a post-office at Kenyon College and your appointment as postmaster. He promises to comply with your wishes in both respects as soon as you remove and are established there; prior to that it would be irregular.⁶

When you happen to write to Lord Gambier, I pray express to him the very great gratification I derive from his kind recollection of me, and assure him that his friendly sentiments are cordially reciprocated; I shall ever recollect that the days I passed with him at Iver Grove were among the most agreeable of my life.⁷
SECRETARY OF STATE

This letter will find you at your brother's,8 to whom I will thank you to communicate the friendly regards of your obedient servant,

My dear Bishop, H. CLAY.

The Rt. Rev. P. Chase.

1 Cf. above, Clay to Johnston, August 2, 1826. 2 Not found.
3 Cf. above, Hughes to Clay, June 14, 1826, note. In June, 1826, the board of trustees of the Theological Seminary and Kenyon College had authorized a committee, composed of Chase, Clay, and B(ezalel) Wells, "to have the seminary's funds transferred from England so soon as the state of the money-market may render it advisable." Chase, Reminiscences, II, 512.
4 Cf. above, Stuart to Clay, March 15, 1825, note. 5 John McLean.
6 The postoffice at Gambier, Ohio, was established in 1827.
7 Cf. above, II, 16.
8 Dudley Chase's home, in Randolph, Vermont.

From Albert Cocks

To the Hon. H Clay Secy. of State of the U States

Poughkeepsie Sept. 26th. 1826

Sir

I have taken the liberty of writing to you direct And hope & trust when you have read the same, you will give it that Consideration it may in your Judgement merit And I farthr [sic] trust, you will not consider that I have intruded on the rules of decorum in writing you.

I therefore First take the liberty of Stating Certain facts as respects Certain political events—in this State that has [sic] transpired & the effect it has had its tendancy [sic] to produce—& Second [sic] my present Situation And wishes And if it is in your power together with the President to render me assistance by way of an appointment for the Services I have rendered to the Present Administration of the U States it would be most thankfully received—

In the year 1823 this State as is well known was under the influence [sic] of the Hon. Mr. Van buren in Politics & the Caucus party attatched [sic] to Mr. Crawford for President.— A grate [sic] portion of the People of the County of Dutchess as well as the State, was decidedly in favour of a Nothren [sic] President And there was no man in whom [sic] the People of Dutchess (as far as I could learn was more in favour of than Mr. Adams—) About five weeks before the Election took place I had notices for a County Meeting of the People in Mass to be held at the same house And on the same day the Caucus Meeting was held for the Nomination of Members of Assembly We Had a Numerous Meeting— I opened the Meeting And explained to them my views on the Political Prospects &c And was chosen Chairman of the Committee of Nominations And the four Gentlemen Nominated that I had solicited to Stand as Candidates if Nominated & who had pledged
themselves to me to support Mr. Adams for President, they did support him. And threw [sic] those men Mr. Adams got the Electoral Votes of this State in the room of Mr. Crawford1— The nomination of our assembly Candidates was only eight days before the election took place, we raised one thousand Dollars to support the Election & the Candidates, we completely [sic] Triumphed & Saved the State, The votes for Mr. Adams was twenty Six or Seven from the Above Statement of facts You may Judge the Interest I have taken And Nothing Now would induce me to have written to you on the Subject but a Suden [sic] & deep Change in Mercantile affairs— I have been a Merchant in Poughkeepsie the last twelve years ever since I have been of age & during the last year I was compeld [sic] to suspend business—

I therefore most respectfully request your influence with the President (& If you think proper to show him this letter,) to give me some situation by way of Appointment that would be honorable [sic] & prudent for me to accept. I have wrote to no person on the subject And consulted no one. I can give you the most unquestionable recommendations [sic] both to Character & the Statement of facts above related, which [sic] will be done if required— I have not named any appointment that I would wish but would leave the Same to you Sir to point out Dr. White2 our Representative knows me well— he also knows the interest I took at that Election to brake [sic] down the Political Caucus sway that then Governed this State, The Candidates we sent to the assembly in that Year was the Hon. James Tallmadge. Alfred S Pell, Gilbert Thorn & John Klapp Esqrs.3 Who have repeatedly expressed there [sic] Obligations to me & State that they never Could have been Sent to the Legislature If it had not been for the Interest I had taken in there behalf & the result has proved that the Course I pursued was one of the most important movements for the present administration that was accomplished that Year. I would be pleased to hear from you if think [sic] this communication would have a tenancy to promote my views Most respectfully I have the honour

Your Most Obedient Servt.

ALBERT COCKS

ALS. DNA, RG59, Accounting Records, Misc. Letters. Cocks, not further identified, received no appointment.

1 Cf. above, III, 83f, 889, 891.

2 Barton White, a physician of Fishkill, New York, served in Congress from 1825 to 1827.

3 Pell, of Hyde Park, was a prominent farmer, a horse fancier and orchardist. Thorn and Klapp have not been further identified.

DIPLOMATIC NOTES

From José Silvestre Rebelio, Baltimore. Encloses a translation of a copy of the "Commissions, and instructions, sent here by the Government of Buenos
Ayres, to arm vessels to cruise against the subjects of H. I. M. the Emperor of Brazil; asks that the Government of the United States "provide [sic] according to the laws of Nations"; states his expectation that the United States will make representations to the Government of Buenos Aires. ALS. DNA, RG59, Notes from Brazilian Legation, vol. 1 (M49, R1).

From Baron Stackelberg, Washington. Refers to the expiration of the treaty of commerce between Sweden and Norway, on the one hand, and the United States, on the other; states that the King of Sweden and Norway (Charles XIV) has resolved to continue, until further notice, to apply the treaty provisions to American commerce; proposes that the American Government reciprocate and, meanwhile, "that a new treaty be signed at Stockholm"; suggests that (Christopher) Hughes be the American negotiator. ALS, in French with trans. in State Dept. file. Ibid., Notes from Swedish Legation, vol. 3 (M60, R2). Published in American State Papers, Foreign Relations, VI, 367-68. On the treaty of 1816, see above, II, 427n-28n; on the negotiation for a new treaty, see below, Clay to Stackelberg, October 31, 1826; Appleton to Clay, December 12, 1826; Clay to Appleton, January 12, September 11, 1827.

From Charles R. Vaughan, Washington. Acknowledges receipt of Clay's note of September 25, a copy of which he has "transmitted . . . to His Majesty's Lieutenant Governor of Nova Scotia" (Sir James Kempt). LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES

September 26, 1826

To John Cuthbert, Hamburg. Acknowledges receipt of his undated letter (above, July 19, 1826). Directs that if Louis (Anthony) Humbert is French and "not a naturalized Citizen of the United States, he may be surrendered to the proper French Authorities at Hamburg. . . ." States that if the French refuse to take him, "he may be delivered up to the Authorities at Gruckstad [sic]. . . ." Adds that, in the event "that neither the French nor Danish Authorities will receive the supposed Murderer," he should "be shipped on board some American vessel bound to the United States" and delivered "to the Judicial Authority at the Port to which he may first be brought. . . ." Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 401-402 (M78, R2).

From Alexander H. Everett, Madrid, no. 52, "Duplicate." Transmits "a translation of a Report made to the Council of State in the year 1817 upon the subject of the relations with America." Notes that it expresses "the views of the dominant party here upon this great question," although "expectations of recovery" of the colonies "are of course at present much less sanguine" than at that time. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received March 14 (1827).

MISCELLANEOUS LETTERS

September 26, 1826

To Samuel L. Southard. Transmits "an application," handed to Clay by (James) Madison, "of Mr. Spotswood for the situation of Naval Storekeeper at Pensacola. . . ." LS. CtHi. Spotswood, not identified, received no appointment.
From Peter Burt, "44 Dempsey Street Commercial Road. East," London. Recalls having, "when last in the United States," met Clay and "experienced much Kindness from" him; now introduces his "Son in law (Charles I. Gayler) the writer hereof, who quits this Country with a view to Settle in America," and solicits Clay's assistance in finding employment for him; adds, in a postscript, that he, himself, may soon return to the United States in connection with his "process for Seasoning Timber" for use "in Building Ships. Houses, Bridges &c." LS. DNA, RG59, A. and R. (MR2). Neither Burt nor Gaylor has been further identified.

From Ebenezer Herrick, Bowdoinham, Maine. Refers to his letter to Clay, "about a year ago" (above, October 27, 1825); recalls that, later, at Washington, Clay informed him that, on the advice of (Enoch) Lincoln, (John) Anderson, and (Peleg) Sprague, the (Portland Eastern) Argus had been "re-selected" to publish the laws, but that "a change might take place another year"; declares that his "colleagues were under a mistake" in their recommendation and that he hopes Clay will pursue the course at which he hinted; states that the (Eastern) Argus "withholds its approbation of administration measures," abuses the avowed friends of the administration, and has made "a personal attack upon" Clay; praises the (Portland American) Patriot; and asks "Whether it is the true feeling of Administration to confer its favors on its enemies rather than on its friends?" ALS. DNA, RG59, P. and D. of L. Anderson was a native of Maine, graduate of Bowdoin College, lawyer in Portland, Representative in Congress from 1825 to 1833, United States attorney for the District of Maine from 1833 to 1836, mayor of Portland during the same period of time and in 1842, and collector of customs at Portland from 1837 to 1841 and from 1843 to 1848.

Applications, Recommendations September 26, 1826

Joseph Lovell, Kanawha County (Virginia), solicits for Mason Campbell, editor of the (Charleston) Western Virginian, authorization to publish the laws; refers to his own "limited acquaintance" with Clay; and adds: "I lament that I had not the pleasure of paying you my respects, when you passed through this part of the Country, and that your hasty Journey, did not leave to its Citizens an opportunity of furnishing to you those manifestations of respect and regard in which your public conduct is held here." ALS. DNA, RG59, P. and D. of L. Lovell, son of an English peer, had been brought to America as a boy, after his widowed mother had remarried. Young Lovell had studied law, had been licensed to practice in Virginia, and, at the age of twenty-one, had opened his office at Maidens, in the Kanawha Valley. He had been one of the organizers, in 1817, of the Kanawha Salt Company and had represented Kanawha County in the Virginia House of Delegates from 1819 to 1821 and again in 1824.

To Joel R. Poinsett


Sir: Department of State Washington 27. September 1826. Your despatches, Nos. 46. 47. 48. 49. 50. 51 & 53,¹ have been
received, together with the Treaty of Amity &c, and copies of the
protocol of the conferences during the negotiation, and projet
of the Treaty which you presented. I have not seen the President
since the receipt of the Treaty, in consequence of the absence of
both of us from this City, and, therefore, I cannot now inform you
of the opinion which he entertains of it. It is certainly liable to
the objections stated in your despatch No. 50. Of these, that which,
I think, has most weight, is the refusal to equalize the tonnage duties
in the navigation of the two Countries. If Mexico simply declined
the abolition of all discriminating duties, and each party were left
at liberty, by its separate laws, to countervail the discriminating
duties of the other, there would be less in the objection. There is,
perhaps strictly, nothing in the words of the Treaty to prevent
this; but in the sixth conference, the Protocol makes you say,— “if,
therefore, the vessels of Mexico were to be admitted into the ports
of the United States on the footing of the most favoured nation,
they would pay only the same charges and duties as those of the
United States, whereas the latter might be subject to exorbitant
discriminating duties, according to the regulations which Mexico
might think proper to adopt in that particular.” Is it your under­
standing, and that of the Mexican Plenipotentiaries, that we are
restrained, by the Treaty, from countervailing any discriminating
duties which Mexico may think proper to impose in behalf of her
own tonnage, and to the disadvantage of ours? If she has no
commercial marine whatever, as was asserted by her Plenipoten­
tiaries, the preference which her laws might give to Mexican tonnage
would be attended with no practical injury, to us, at present; but
on the conclusion of the war, the discrimination would manifestly
operate against us in the transportation between the two Countries.
After the examples of Colombia and Guatemala,² it is strange that
Mexico should be so unwilling to subscribe to the liberal principle.
With respect to the argument derived from the fact of the incompe­
tency of her commercial marine, at this time, to carry on her
foreign commerce, there would be more in it if the way to supply
the deficiency was by laws operating against all foreign navigation,
in favour of Mexican. Such laws would, undoubtedly be met by
similar laws of Foreign Powers, in behalf of their tonnage, unless
they should be prevented from doing it by Treaty; and, in the end,
Mexico would not find a more rapid augmentation of her marine,
under the restricted, than under the liberal system.

I am, as yet unadvised of the intentions of the President growing
out of the transfer of the Congress of American Ministers from
Panama to the neighbourhood of Mexico, but I take it for granted
that a successor to Mr. Anderson³ will be shortly designated, and
our Representatives be directed to repair to the new place of meeting. I am, respectfully, your obedient Servant. H. Clay.

Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 159-60 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

1 May 31, June 17, 20, July 8, 12, August 20, 1826.
2 See above, Clay to Salazar, March 21, 1825; Convention, December 5, 1825.
3 Richard C. Anderson, Jr. Cf. below, Clay to Poinsett, February 28, 1827.

From Charles Hammond

My Dear Sir

Lebanon. Ohio. Sepr. 27. 1826

The events of a public character, which have occurred since I saw you at Lexington have, in some degree, disappointed our calculations—Cook’s defeat is more to be regretted than Scotts—Altho, I do not much like Mr Bates’s recent letter to the Missouri Advocate, It was well to disclaim enmity to you personally, but the total omission to say anything in relation to public affairs is more caution than I admire—Some attempts are made to use these results, against the Administration, in Ohio, but they are feeble and can avail very little—

Our own elections are so near at hand, that it is hardly worthwhile to speculate about them—In the Cincinnati District there is a hope that an administration candidate, David Morris, of Clermont may be elected over Findlay. My private opinion is that Findlay will be elected—Gen. Harrison and many other influential supporters of the administration aid Findlay upon grounds of personal regards and family connection. This is very fatal where a supposed minority are making exertions to exhibit their strength. In the Lebanon District Woods has the best prospects of success. T. Ross is not a candidate, and cries for Jackson—Here again family connection, and personal predilection operate in favour of the opposition—In Campbells District there are three candidates who support the administration, one only for Jackson. From this cause I consider that this District will be lost—These are not pleasant Subjects of reflection. They prove that men are much devoted to personal interests and feelings, making them paramount considerations, and preferring [sic] to pursue them, rather than consult the public good—Vance and McLean will no doubt be re-elected. From other parts of the State I presume your information is as recent and correct as mine.

Strong efforts are making in this Section of the country to supply aliment for the Support of the Jackson cause. Much pains was [sic] taken to get up a large meeting for Jackson, two weeks ago in Cincinnati. It was certainly a failure. The leaders attended in force; but very few others—It must be recollected, that Cincinnati
alone gave Jackson, in 1824, 1000 votes; yet not more than from 150 to 200 attended the meeting\textsuperscript{10}— Two meetings have been held here at Lebanon—and very thinly attended.\textsuperscript{11}— The better opinion certainly is, that all this labour would not be resorted to, were not those concerned sensible that some stimulus is necessary to revive a drooping cause— And we think, that the results of these efforts operate to sink rather than exilirate \textsuperscript{sic} the spirit they are intended to excite—

The general aspect of public affairs is favourable to the country, and to the administration. The subjects of censure are so trivial, so unnatural, so far fetched, to use a common place term, that they can make no impression of a permanent character, in the public mind— The often repeated charge of corruption bargain and management certainly begins to pall upon the public palate and must produce absolute nausea— Yet this Seems to be the whole foundation upon which the opposition build their hopes of Success—

The death of Mr Anderson\textsuperscript{12} opens the door for Some new appointments. Let me Suggest the propriety of discontinuing a minister of the first grade to Colombia. And as to the Panama matter, I have Seen it suggested that Mr Poinset \textsuperscript{sic} should be joined with Sargeant \textsuperscript{sic},\textsuperscript{13} and I think it as good a course as any. If, however, a New Minister is sent, I would like to See a man of distinction from Virginia— Gov. Pleasants. H. St. G. Tucker. Chapman Johnston\textsuperscript{14}— I must take the liberty to Say a word as to the appointment of District Judge in New York\textsuperscript{15}— I hope it may be given to Some prominent and eminent Lawyer— I should like to have it offered to Kent—Hoffman—Ogden, or Emmet.\textsuperscript{16}— I am vexed that the first Lawyers of the nation are considered so much out of the range of Judicial appointment— If they refuse, no more can be said— But if they would accept, it is radically wrong to Exclude them, upon account of political associations or opinions.

If, in this land of liberty, where all are masters, and where the Station of Servant is more sought after, than any other, it were proper for a master to give a hint to one of his principal Servants, I should like to give the President a hint as to his next Message— I would recommend brevity, in the first place, and to discard tropes and figures in the second— "\textit{Fas est doceri ab hosti}"\textsuperscript{17}— The last message furnished the principal topics of attack for Tazewell\textsuperscript{18} & Co. Where less is said, there are few points of attack Besides all this: Public messages, legislative speeches, and judicial opinions are becoming a grievance \textsuperscript{sic} upon account of their Extent— It would be worthy of the President to Set a new example—

I am on my way to St Clairsville, and shall be absent from Cincinnati Several weeks— Should any thing occur, that I may conceive interesting, I shall write to you again whilst on my tour—
By the way—I have read and am much pleased with your Lewisburg Speech—You did right to enumerate the appointments you had refused. and your hit at Mc Duffie is a good one—I hope your health is really improved—If not, you must remember your pledge, not to be used as Mr Crawford was—Better retire for a time to Ashland, than obtain a tombstone at the public Expense in Washington. Yours faithfully.

C. HAMMOND

ALS. OHi. Addressed to Clay and endorsed by him: "... {Ansrd. 7 Oct. 1826.}"

1 Reference not found.
2 Daniel Pope Cook; John Scott. See above, Clay to Adams, July 25, 1826, note.
3 Elisha Bates, who had been Cook's opponent, had written a letter to the St. Louis Missouri Advocate, on August 29, 1826, to correct several recent editorial comments in that journal which had described the correspondent as a "consistent enemy and... constant reviler of Mr. Clay." Bates explained that, while he had "differed with Mr. Clay on several important political questions," he bore no "feeling of personal hostility." He added that he considered Clay's "talents and public services entitled him to fill high and important stations," though he had not been "in favor of his election to the presidency." Reprinted in Lexington Kentucky Reporter, September 25, 1826.

4 See above, Clay to Adams, July 25, 1826, note. Morris, who had been admitted to the Clermont County bar in 1809 and had served as prosecuting attorney the following year, had begun a more notable career as a newspaper editor in 1814. In July, 1826, he had established the Batavia, Ohio, Spirit of the Times, to which the following month he had merged the Batavia Western Patriot. The joint enterprise, identified from 1829 until 1835 as the Chronicle of the Times, was outspoken and strongly sympathetic in its support of Clay.

5 William Henry Harrison's daughter-in-law was Jane Findlay Harrison (Mrs. William Henry Harrison, Jr.), a niece of James Findlay. Harrison and Findlay had been partners in several business ventures since before the turn of the century.

6 John Woods was re-elected.
7 Thomas R. Ross.

8 On the replacement of John W. Campbell, see above, Clay to Adams, July 25, 1826, note.

9 Joseph Vance; William McLean. Both were re-elected.

10 The Lexington Kentucky Reporter, September 25, 1826, reprinting from the Cincinnati Gazette of September 15, noted that two or three hundred had attended the meeting, part of those present "but lookers-on." The meeting had been "orderly, but not entirely unanimous." Strong resolutions had been adopted, and a committee had been appointed "to exercise a kind of dictatorship in conducting the election."

11 No report of the meetings has been found.

12 Richard C. Anderson, Jr.

13 Joel R. Poinsett; John Sergeant. Cf. below, Clay to Poinsett, February 28, 1827.

14 James Pleasants; Henry St. George Tucker; Chapman Johnson.

15 Cf. above, Shaw to Clay, September 10, 1826, note.

16 James Kent; Josiah Ogden Hoffman; David B. Ogden; Thomas Addis Emmet. Hoffman, born at Newark, New Jersey, had long been identified with New York political affairs, as a member of the State legislature (1791-1795, 1797), State attorney general (1798-1801), and recorder of New York City (1808-1815). He had been a Federalist, had opposed the War of 1812, and for a time had supported DeWitt Clinton; but he had broken with the latter leader in 1819 to become one of the founders of the New York American (above, III, 357n). Unlike the majority of the backers of this journal, however, Hoffman became a Jackson supporter in 1828. He was thereupon appointed associate judge of the New York Superior Court, where he served until his death in 1837.

Emmet, a native of Ireland, educated in medicine at Edinburgh, had practiced that profession briefly in Dublin before turning to law. Educated for the latter profession at the Temple, London, he had attained great success in a Dublin practice before he was arrested and imprisoned for participation in the Irish rebellion of 1798. Following his release, he had come to the United States in 1804, had resumed the practice of law, and had become one of the most prominent members of the profession in New York.

17 Ovid Metamorphoses iv. 428. "It is allowable to be taught even by an enemy."

18 Littleton W. Tazewell. Cf. above, King to Clay, December 9, 1825; March 21, 1826, note.
From Joseph F. Wingate

Sir,

Bath, Maine, Sept. 27. 1826.

Allow me respectfully to recommend to you the designation of the “American Patriot,” published at Portland and edited by Nathl. Low Esq.\(^1\) as a paper for promulgating the Laws of the United States, instead of the Eastern Argus.

Most of the considerations which should lead to the selection of the one or the other of these papers are doubtless well known to you; yet such as arise from local causes merely, can hardly be as correctly estimated anywhere else, as at the place of their occurrence, and such considerations only, I shall ask leave to suggest.

I need not inform you, that while the Patriot has invariably supported Mr. Adams, the Argus was early enlisted in the cause of Mr. Crawford, and has since the commencement of the present administration been either its opponent or hollow hearted friend. If you are further aware of the fact, that the Argus, with those who have exclusively controlled it, professed friendship for Mr. Adams, during all the preparatory arrangements for the late electioneering campaign, while they were covertly endeavouring to secure the vote of the state for his opponent, and that after all their professions, they finally took the lead in an open support of Mr. Crawford and in open attacks of [sic] his successful rival, I shall need little argument to convince you, that any professions of impartiality they may now make are wholly deceptive. The truth is, that more than three fourths of the people of Maine are unalterable in their attachment to the present government of the Union, and it is impossible for anything but a jesuitical policy to prevent its votes from being given for its continuance. If the Argus party can, by professing friendship for Mr Adams recover the commanding influence over the people which their late course has lost, they may possibly carry two or three electors for Jackson by setting them up for “unpledged men,” as they lately did the electors for Mr Crawford.\(^2\) This, no open support of Gen. Jackson, could possibly effect.— Hence, in this state, it is peculiarly true, that the government will injure itself more by the encouragement of hypocritical friends than by that of open foes.

It is my duty also further to remark, that although it may be impolitic to disaffect the late adherents of Mr. Crawford, in some quarters of the country, yet it is not so here— A few of them have indeed come over heartily and fully to the side of govt. but all the remainder are identified with the Jackson party elsewhere, and if

\(^{19}\) Above, Toasts and Speech, August 30, 1826.
\(^{20}\) Not found.
they can only be compelled to avow their true designs in due season, it is as impossible to secure a single electoral vote for their candidate, as for George the fourth. If the administration can retain the support they already have here, they are perfectly safe; and the only danger of their not doing this arises from the fact, that their secret enemies may inveigle their less informed friends. An open party for Crawford, has already entirely failed with us, and an open one for Jackson, would meet with a still more signal defeat.

The administration party here indeed, only ask, that their secret enemies should not be encouraged, and they will pledge themselves to give a satisfactory account of their avowed opponents.

It is from the views I have thus hastily endeavoured to sketch, together with such as will readily occur to you without naming them, that I venture to ask the change I have here proposed, and, believe me sir, whatever be the event, it is done with an earnest wish that your measures may continue to meet the approbation of our people, whose confidence and affection you now so eminently possess.—With the most perfect respect, I have the honour to be, Sir. Your friend & Hbl, Sert. 

Joseph F. Wingate
To the Hon. Henry Clay Sec'y of State, Washington, D. C.

LS. DNA, RG59, P. and D. of L.

1 Not further identified. The American Patriot, established in 1825, received the recommended patronage for the next two years, until Low transferred ownership to the Brunswick Androscoggin Free Press, in November, 1828.

2 All nine Maine electors had finally voted for Adams. Niles' Weekly Register, XXVII (December 11, 1824), 225.

MISCELLANEOUS LETTERS

From James Burton, Jr., Bangor, Maine. Reports formation of a partnership with (Nathaniel H.) Carter (to publish the Bangor Register). ALS. DNA, RG59, P. and D. of L. Burton had published the Register (title varies) since 1817.

From Joséph Lopes Dias, New York. Presents a claim against France for loss of the schooner Frederick in 1799. Lists the claimants as Robert C. Cornell, on behalf of the heirs of Jacob Doty; James Strong, on behalf of Julia Ports, late Julia Wattles; and the heirs of John G. Clark, captain of the vessel. ALS. DNA, RG76, Misc. Claims, France. Dias for many years had been “Agent at New York of Public Business Appertaining to the Office of Indian Trade.” The claimants have not been further identified.

APPLICATIONS, RECOMMENDATIONS

Nathan Sanford, Albany (New York), forwards letter, misdirected to himself, from (Augustine G.) Dauby and notes that the application is “strongly” recommended by “some of the most respectable gentlemen of Oneida county.” ALS. DNA, RG59, P. and D. of L. Cf. above, Dauby to Clay, July 19, 1826.
To John A. King

John A. King, Secretary of the Legation of the U.S. London.

Sir, Department of State, Washington, 28 Sept. 1826.

I have received your letter of the 12th. August last tendering your resignation of the Office of Secretary of the legation of the United States at the Court of London, and communicating your wish to return to the United States early in the approaching month of November. The absence of the President from this City, at the present time, prevents my submitting the letter to him and taking his directions thereon; and if I were to transmit it to him and await his answer the delay might defeat your return at the time indicated. The President was induced, by representations from your Brother Mr. Charles King, to expect that you would be disinclined to remain in your present situation after the return of your Father1 to the United States; and it was upon those representations that the contingent arrangement was made in relation to Mr. Lawrence, communicated to you by Mr. Gallatin.2 From what has passed, therefore, on the occasion, I feel myself authorized to accept your resignation and to say that you are permitted to return to the United States in November next or as soon after the receipt of this despatch as may comport with your convenience. I am sure that I convey the sentiments of the President, on this termination of your public service in England, in saying that he has been perfectly satisfied with the manner in which you have discharged your official duties, and that he would have been pleased if it had been your interest and inclination to retain your appointment. I add, with pleasure, my own testimony to the diligence and ability with which you have executed your public duties.

Wishing you an agreeable voyage home, I am, respectfully, Your obedient Servant,

H. CLAY

1. Rufus King.
2. William B. Lawrence; Albert Gallatin.

From Asher Robbins

Hon. H Clay } Newport. R. I. Sepr. 28. 1826
Secry of State } (confidential)

Dear Sir. Congratulating you upon the recovery of your health, & return to Washington, and upon the many proofs of public approbation which you have received in your absence from it,—permit me to ask of you the favor to send me a copy of a complaint against me as Dist Atto lodged, as I have been told, in your Department in the year 1817.1 Nothing was ever done upon it nor
was I ever informed of it's [sic] contents; but as Mr. Potter\(^2\) my rival Antagonist, is endeavoring to make use of that stale and dormant thing to my prejudice, I wish to have it, that I may produce & if necessary explain it.— I am D Sir, very truly Yr ob frd & Sert

ASHER ROBBINS

P.S. I will See the copying fees paid on my arrival at Washington

ALS. DNA, RG59, A. and R. (MR1).

1 Cf. below, Clay to Robbins, October 10, 1826.

2 Elisha Reynolds Potter, a veteran of the Revolutionary War, had begun the practice of law around 1789 and for most of the period since then had been active in politics, as a member of the Rhode Island Legislature (1793-1796, 1798-1808, and 1816-1835) and of the United States Congress (1796-1797 and 1809-1815). He had been defeated by Robbins in a contest for election to complete an unexpired term as United States Senator in the fall of 1825; but when the issue was again joined in November, 1826, he declined to engage in the contest, "though much newspaper discussion had been had on the subject." Niles' Weekly Register, XXXI (November 11, 1826), 164.

From John Sergeant

Dear Sir,

(Private) Philada. Septr. 28. 1826.

Your letter of the 25th. inst., was duly received, and I am obliged to you for the information contained in it. I will be ready to depart whenever required.

My present object, however, is chiefly to inform you of what is going on here, by way of explanation of the accounts you will probably see in the newspapers— This was the day of the Democratic meeting in the City of Philadelphia to consider the tickets proposed by the Ward Delegates. Many of the friends of the Administration thought this a good occasion to make a stand, and turned their attention especially to the Congress ticket, upon which the Delegates had placed the name of a man\(^1\) little known for any thing but a furious zeal in favor of General Jackson. They accordingly assembled in sufficient strength to carry their Chairman, Captn. Jones,\(^2\) by a vote of 110 to 70. They then nominated me for the 20th. Congress, letting Mr. Horn's name stand for the remainder of Mr. Hemphill's\(^3\) term. Upon this nomination, some discussion took place, during which a considerable number of persons came in, and it was doubtful how the question would have been decided, when a motion was made and carried to adjourn to Monday at 4 OClock.

I think it probable that on Monday Mr. Horn's nomination will be carried. What course the friends of the Administration will then take is uncertain, but I think it likely they will proceed to make a separate nomination, with a fair prospect they suppose of a very strong vote, and perhaps of carrying the election.\(^4\) If, however, contrary to my expectation, they should succeed at the meeting
on Monday, they will have obtained a regular Democratic nomination of a known friend of the Administration, which will have the happiest effect throughout the State.

In the other event, the expediency of a separate nomination has been carefully and anxiously considered. The reasons for and against it, cannot be well understood without an intimate knowledge of the state of parties in Pennsylvania. The Democratic party has the ascendancy, as you know. The Federalists are a strong minority. They can originate nothing, of a general nature, with any prospect of success, but their weight may be thrown in, with decisive effect, in a division of the former. A large majority of the Democratic party has heretofore been and still is in favor of Genl. Jackson. The federalists, with few exceptions, are opposed to him, and are, besides, not inclined to change. The minority of the Democratic party, and the body of the Federalists, are a majority of the voters in the State, beyond all doubt. The difficult problem in Pennsylvania politics is, how to render available a majority thus constituted, upon any given question. It is so difficult, that it is always, if possible, to be avoided. But, sometimes, it must be resorted to, and especially where great interests are at stake.

From the state of things which has been adverted to, it is apparent that a false complexion must be given to the sentiment of the State. The majority of the Democratic party determines the conduct of the whole, and the Democratic party determines the conduct, as it were, of the State. Hence, it is assumed that Pennsylvania is entirely for Jackson, and so it must appear to all who are at a distance.

This state of things, too, may if suffered longer to continue have the effect of really and irrevocably fixing the sentiment of the State. The minority of the Democratic party, having no rallying point, is silent, inactive and timid. The majority are zealous, noisy and some what overbearing. They aim to identify Jackson and democracy, and if they are not checked, they may succeed in making the support of Jackson a test, and thus silencing all opposition.

It is thought necessary now to make a stand. The effort must be, if possible, to produce a total change; if not, to unite the Democratic friends of the Administration, to establish a community of action, and by open concert to inspire confidence and give countenance and support to each other.

Such is a very general and imperfect view of the motives of the step that has been taken. I am convinced it is necessary and right, and it is only under this conviction that I have suffered my name to be used. To withhold it, was represented as equivalent to an abandonment of the whole design— For its consequences to myself, I feel no concern: If it should prove injurious to the great object in view, it will be matter of serious regret, as it will also be, if it
should appear to you to be ill adapted to its purposes. It is certainly well intended, and I hope it will do good.

If the result should be an election to Congress, it is perfectly understood that it is not to interfere with my mission. That is my first duty; and it is to be performed.

Pardon this long letter, which I have been obliged to write in haste. Very respectfully and truly Dr. Sir, Yrs. JOHN SERGEANT. The Honble Henry Clay.

ALS. InU. 1 Henry Horn. 2 William Jones. 3 Joseph Hemphill.
4 On October 2 "an adjourned meeting of the Democratic citizens" of Philadelphia broke up in a fight between the supporters of Horn and those who favored the nomination of "John Sergeant, a friend of Mr. Adams for representative to Congress." Each group then nominated its own candidate. At the ensuing election, Thomas Kittera, a Philadelphia lawyer, won over Horn to fill the vacancy left by Hemphill's resignation. At the same time, the election for a representative to the next Congress resulted in the defeat of Kittera and a tie vote for Horn and Sergeant (see below, Sergeant to Clay, October 9, 1826). The seat remained vacant until a special election, on October 9, 1827, was won by Sergeant. That election was immediately challenged; but the United States House of Representatives in January, 1828, approved a report, presented by its committee on elections, upholding Sergeant's right to the seat. *Niles' Weekly Register*, XXXI (October 7, 14, 1826), 85, 102; XXXIII (December 22, 1827; January 19, 1828), 173, 342.

**DIPLOMATIC NOTES** September 28, 1826

From CHARLES R. VAUGHAN, Washington. Communicates "the Substance of a despatch" from his Government directing him "to announce... the determination of His Majesty's Government, to allow the Provisions of the Act of 1825, which regulates the Commerce with the British Colonies, to have their course." Asserts that "A hope had been entertained that the late Session of Congress would not have been suffered to pass by, without the adoption of some measure. on the Recommendation of the President, for the Abolition of the discriminating Duties, which, for three years past, have been levied in the Ports of the United States on British Vessels trading between the United States, and the British Colonies in North America, and the West Indies." Refers to a British proposal in 1824, to abolish "all discriminating Duties levied in Colonial Intercourse," to the act of Parliament in July, 1825, and to the failure of the Government of the United States to take reciprocal action. LS. *DNA, RG59, Notes from British Legation*, vol. 14 (M50, R15). Published in *American State Papers, Foreign Relations*, VI, 257. Copies, in MHi-Adams Papers, Letters Received (MR477), and NHi-Gallatin Papers (MR13), the latter dated erroneously as "September 23th. [sic] 1826." Cf. above, III, 729n; Rush to Secretary of State, March 26, 1825, note; Gallatin to Clay, August 19, September 13 (no. 8), 14, 1826; Levy to Clay, September 21, 1826.

**INSTRUCTIONS AND DISPATCHES** September 28, 1826

From JOHN G. A. WILLIAMSON, New York. Notes newspaper criticism concerning the want of a consul at La Guaira; states that he has been detained by private business but will leave for his post by the first opportunity. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Cf. above, Clay to Williamson, April 20, 1826.

MISCELLANEOUS LETTERS September 28, 1826

From CARY NICHOLAS, "Clerks Office Superior Court M. D. Leon Cy. Florida." Transmits "an extract from the Official Presentments of" the last (Leon County) Grand Jury. ALS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure the Grand Jury presents "as a grievance the non-residence of the Marshall [sic] of the Middle District of Florida."

Cary, son of George Nicholas, had been born in Virginia and reared in Kentucky and had served in the United States Army from 1808 to 1821, having risen to the rank of major during the War of 1812. He had been postmaster at Pensacola, Florida, from 1821 to 1823; an associate judge of Escambia County, 1821; and founder and publisher of the Pensacola Floridian from 1821 to 1824. He had been appointed clerk of Leon County Court in March, 1826, and retained this position until his death in 1829.

John M. Hanson, born in New York and appointed from that State as a lieutenant of the United States Army in 1818, had been honorably discharged in 1821 and appointed marshal for the Middle District of Florida in May, 1824. Following a memorial by the Legislative Council of Florida, addressed to Congress January 6, 1827, and complaining that the marshal had drawn the "emoluments" of his office for two years without having "resided a day within a hundred miles of the district," Hanson resigned the position on February 27. He subsequently operated a large sugar plantation near St. Augustine, where he resided when, from 1850 to 1853, he held office as collector of customs and inspector of revenue at that port.

APPLICATIONS, RECOMMENDATIONS September 28, 1826

THOMAS T. CRITTENDEN, Huntsville (Alabama), "Confidential," states that he has decided to move to Mobile; withdraws his "application for the office of Federal Attorney for the Northern district of" Alabama; recommends instead the appointment of Harry I. Thornton, whom Clay knows; declares that neither of the other applicants, (Byrd) Brandon and (Granville) Lewis, is "at all qualified to discharge the duties" of the office; adds: "I sincerely hope you have recovered your health and that you may long be able to serve these republics with your upright, able and efficient counsel." ALS. DNA, RG59, A. and R. (MR1). Cf. above, John Crittenden to Clay, August 17, 1825.

To [John Quincy Adams]

The President of the United States at Quincy

Dear Sir, Department of State, 29th. September 1826.

By the mail which carries this letter, you will receive a Copy of an important despatch from Mr. Gallatin, under date the 19th. day of August last, the original of which was received at the Office
yesterday. I do not send the Order in Council to which it refers, bearing date the 27th. of July and published in the London Gazette on the 18th. of August, because I see that Order is published in the American prints and will therefore attract your attention. Mr. Vaughan called at the Office yesterday to inform me verbally of the purport of the Order, and to say that he should communicate it to me by an Official Note. I stated to him my great surprize [sic] that such a measure should be adopted at such a time; that we could not have expected that, when there was a pending negotiation relating, among other matters, to this very colonial trade, the British Government, at the moment of the arrival in London of the American Minister, charged with instructions, which, we believed authorized a satisfactory arrangement of the trade, would have thought proper to put forth such an Order; and that his Government and not ours was chargeable, for a long number of past years, with the omission to place the intercourse with the British West Indies on a liberal and reciprocal footing. I dwelt a good deal on these topics and endeavoured, both by my manner and by what I said, to impress Mr. Vaughan with the belief that the Government of the U. States would regard the measure as harsh, ill-timed and highly objectionable. He appeared himself to anticipate such a reception of it, and expressed the hope that a satisfactory arrangement of the Affair would be made with Mr. Gallatin. Such an arrangement, I think, we have strong reason to anticipate. And it appears to me that the British Government having put themselves in the wrong, will be now more anxious for it, than if they had not promulgated the Order. So far as the Order shuts the British Ports against our vessels after the first of December, it surpasses the measure of retaliation of our own Laws, which would have been countervailed if it had been limited to the single object of imposing discriminating duties equivalent to ours— And, if we had time to interpose with Mr Gallatin, it would be worthy of consideration, whether, regarding the Order as in the nature of a menace, he ought not to be instructed to forbear all negociation upon the particular subject of the Colonial trade, until the occluding part of the Order was rescinded. Mr. Gallatin appears himself to have considered the order in that light, but does not seem to have determined to abstain from negociation.

The Order, I observe, grants the priviledge [sic] to our vessels, until the first of December next, to export from the British Colonies to any foreign Country whatever other than G. Britain; and in that respect conforms to the requistions of Mr Gallatin’s instructions. You will recollect that he apprehended some difficulty on that point, which he stated in his Letter from New York. At present, therefore, I see no difference whatever between the two Governments, in
respect to the Colonial trade; and the only enquiry will be, as to
the best mode of accomplishing what seems to be desired by both
Governments.

I have received Mr. J. A. King's resignation. As he wished to
return to the U States early in November, and as there would not
be time to await your directions about it, and transmit them early
enough to accomplish that object, I at once wrote to him that his
resignation was accepted, and that he had permission to return, as
desired—and Mr Lawrence is instructed to proceed to London to
enter on the discharge of his duties as Secretary of Legation.4

We expect the pleasure of seeing you about the 18th. or 19th.
of the next month. I am, with great respect, Your Obedient Servant.

H CLAY

[Notes: 1 See above, September 28, 1826. 2 See above, Clay to Gallatin, June 19, 1826. 3 Above, June 29, 1826. 4 See above, King to Clay, August 12, 1826; Clay to King, September 28, 1826; Clay to Lawrence, September 28, 1826.]

To Leslie Combs

Washington 29th. Sept. 1826

Dear Sir

I am thankful for the friendly disposition manifested in your
obliging letter of the 16th. instant.1 Strange associations! My con-
fidence in the people of Kentucky is not to be shaken by such
machinations, but still I am happy to observe that you and other
friends are upon the alert. I find to the Eastward political prospects
are bright. The cause of the opposition is manifestly on the decline.

I reached this City ten days ago with improved health, which
I hope will sustain me through the mass of business which lies
before me. I am with great respect Yr's truly

H. CLAY

Leslie Combs Esqr

ALS. KyU. 1 Not found.

From George W. Jones

Agency Office Bank U States Cincinnati Septr. 29. 1826

Hon. Henry Clay

Sir, The Bank of the United States as assignee of William Lytle
has become entitled to a resulting claim or interest in in [sic] four
or five small parcels of Lands in this State one of which is an un-
divided third of Surveys No. 4251 & 4451 in names of James
Morrison & James OHara, & Nicholas Bowsman about 333½ acres.1
It appears that an offer has been made to you as Executor of James
Morrison, to settle the matter by having you pay the Sum of five hundred dollars on behalf of Col. Morrisons Estate and then having the claim released to you as Executor, or to your Grantee— Permit me therefore to solicit your attention to this matter and to request you to accept the Offer made, or that you will consent to convey the Lands; as the Bank is unable to effect a settlement while this affair remains unarranged— I was prepared to address you on the subject when you were last in Lexington but was prevented by learning you had departed for the Seat of Government, please favour me with your intentions as to the course you think most proper to be pursued— with great respect Yr. Obt. Svt. Geo: W. Jones Agt.


DIPLOMATIC NOTES

September 29, 1826

From Jose Maria Salazar, New York. Explains the revolt in Valencia (Venezuela), under General (Jose Antonio) Paez, as merely a mutiny in the army, with no popular support (cf. above, Litchfeld to Clay, May 22, 1826, note). Encloses a copy of a decree issued by the Colombian Government on July 8 and calls attention to the fifth article of that document. LS, in Span. with "translation of the Legation." DNA, RG59, Notes from Colombian Legation, vol. 1, part 2 (M51, R2). Article 5 of the enclosure disclaims, on the part of the Colombian Government, any responsibility for the safety of lives and property of foreigners in the rebellious province.

INSTRUCTIONS AND DISPATCHES

September 29, 1826

From Thomas L. L. Brent, Lisbon, no. 30. Acknowledges receipt of State Department dispatch no. 5 (July 12, 1826): reports having delivered the President’s letter to the Minister of Foreign Affairs (Francisco de Almeida) and the postponement of an audience with the Regent (Isabel Maria), who has left Lisbon. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received December 5. During Clay’s absence, the instructions had been written by Daniel Brent, who had transmitted a letter from the President to the Princess Regent of Portugal relative to the death of her father, John (VI). Brent had stated that he could not himself send “a new credential Letter” and had suggested use of “mourning paper and wax” in observance of the deaths of John Adams and Thomas Jefferson. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 148-49 (M77, R6).

MISCELLANEOUS LETTERS

September 29, 1826

From Samuel L. Southard, Princeton (New Jersey). Requests Clay to obtain from the British Minister (Charles R. Vaughan) a letter to the Governor of Trinidad (Sir Ralph Woodford), introducing “Master Commandant William Shubrick” of “the sloop of war Lexington,” which has been selected, under authority of a congressional resolution, to remove “the remains of
Commodore [Oliver H.] Perry . . . from the Island of Trinidad . . . to Newport, State of Rhode Island.” ALS. DNA, RG59, Misc. Letters (M179, R64). Perry had died of yellow fever on August 23, 1819, while commanding a small fleet on a mission to South America. For the House resolution of May 18, 1826, instructing the Secretary of the Navy to arrange for the removal of Perry’s body, see U. S. H. of Reps., Journal, 19 Cong., 1 Sess., 592.


To [John Quincy Adams]

Dear Sir Washington 30th. September 1826

The note which I intimated, in my last1, an expectation of receiving from Mr. Vaughan, has been delivered;2 and I have the honor of transmitting the copy of a draft in answer to it,3 which I propose for your inspection. If convenient, it would be desirable that, after receiving your corrections, it should be returned in time to be delivered, and to transmit a Copy by Mr Lawrence4, who intends sailing on the 16th. of next Month.

I am with great respect Your obedient Servant

H Clay

The President.


1 Above, September 29.  2 Above, September 28.  3 For Clay’s reply to Vaughan, see below, October 11, 1826.  4 William Beach Lawrence.

Bill from St. John’s Church

[ca. September 30, 1826]

DR. Hon. Henry Clay To St. John’s Church,

For 2 quarters Pew rent, ending 30 Sep—26 $26.—

[Endorsements]1

Pay C. Vinson

T. H. GILLISS

CHARLES VINVSON

D, partially printed. DLC-TJC (DNA, M212, R16).

1 The first, AES; the second signature by Vinson. Thomas H. Gilliss, born in Maryland, was chief clerk in the Fourth Auditor’s Office of the United States Treasury Department for fifty years from 1798. Vinson, also, was a clerk in the Third Auditor’s Office for nearly as long, from before 1816 until 1846.

From Claiborne Watkins

Dear Sir— Oak-Hill, Powhatan county, Sept. 30th. 1826.

I do not know that my acquaintance with you is sufficient, to
justify a communication of the character which distinguishes this one; but when, perhaps, the welfare of the nation is involved, considerations of a higher nature are to be consulted, and the real friend of his country is anxious to obtain all the lights within his reach, for the purpose of being enabled to make a proper selection of the men who are to fill important offices in the government.

The object Sir, of this note, is to request the favor of you, to inform me by letter whether or not, Mr. Jno. Randolph of Roanoke, has not in some former speeches of his, in the house of representatives, animadverted in severe terms, upon the conduct of Genl. Andrew Jackson whilst in the command of the American Army in the war against the Creek or Siminole [sic] indians [sic]; and if he did, the speech would be of some little service to me in this part of the country, as I have asserted it to be my opinion, and it appears to be the opinion of many others as well as myself. But the friends of those two gentlemen have denied the assertion in round terms, & say, that Randolph not only did not deprecate [sic] the course and conduct of Jackson as a commanding genl. but actually praised him for his acts and deeds. If I am right in the opinion [sic] here expressed, and the speech could be procured and sent to me, it would incline many persons to oppose the election of Jackson as next president, as Randolph is now his warm and enthusiastic supporter; my opinion is founded upon the fact, that Archer² meets with opposition in this congressional district for his course in relation to Jackson; for during the late canvass, he often declared that either of the other candidates would make a good president, but as for Jackson he was out of the question. And it would have the farther effect of increasing the opposition to the re-election [sic] of Randolph, to the senate of the United States; it is the opinion of many gentlemen that he will meet with strong opposition in the legislature of Virginia next winter,³ and if Giles's⁴ health continues as good as it is at present, its thought he will be prefered [sic] to Randolph; the members from Powhatan are opposed to him, and his whole course. And altho they voted for him last winter, there was great hesitation on their part, for they had oftentimes declared they would prefer most any other man; but his most formidable competitor⁵ was an advocate for a construction of the Federal Constitution not consistent with their views.

Giles has lately said, that he would not pledge himself, either to oppose, or to support the measures of the administration; but to oppose when wrong, and to support when right. The other seems to have declared war against the men in office, and they can do nothing right with him. In short its the opinion of many well informed and intelligent persons, that Randolph's intellect is often
so disordered, as to render him unfit for the discharge of important public duties.

As it regards the next presidential election, the opinions [sic] of some are permanently [sic] fixed; some being warm adherents of Jackson, and others in favor of Adams, if there should not be a third candidate whom they prefer to either; but my own impression is, that in this part of the state, the public mind is in a state of oscillation; for it is not believed [sic] that Jackson is altogether in possession of those qualifications which would be adequate to the discharge of the various and complicated duties, appertaining [sic] to the office of President of the United States. And unfortunately for Adams’s popularity, he expressed some sentiments in his communication to the last Congress, that are deemed to be not sufficiently republican in their effects, and some rather irreconcilable with the letter and meaning of the Constitution; his antirepublican doctrine is found in his recommendation to Congress “not to be palsied by the will of their Constituents”—and his contending that he had the right to create a new embassy without consulting the senate, is deemed by many to be contrary to usage and not sanctioned by the Constitution.

But after all these objections, and some others not necessary to mention, there is a disposition in the most intelligent part of the community to take him, instead of Jackson; for however much the former may have trenched in upon the fundamental law of the land; the latter has done much more so, and some of his acts have proven him, to shew utter contempt. for whatever barrier may be thrown between him, and the end he has in view. For we have seen him take away the liberty and lives of persons, in spite of the writ of Habius [sic] corpus, and trial in a fair and legal way.

Adams’s measures have not as yet had the effect of interfering with personal liberty, altho some of our wise politicians have endeavored to run his opinions out to such results; in my opinion, the most that can be made of the two leading measures of the present administration is, that one of them is rather an infringement upon the rights of the states (altho the condition of the country seems to justify its expediency), and the other we know can only reach our purses (a very sensitive part however) that is the present high, and we are taught to call it, unwarrantable tariff— I am not one of those however, to impugn the motives of others, when in opposition [sic] to mine, upon matters of expediency or constitutional law. Both of, what Virginians call the obnoxious measures, had their beginning with a former administration, and Jackson is known to be an advocate of both; therefore we should not be bettered in this part of the country by choosing the latter.

All this sensitive feeling, it appears to me, in relation to those
measures is of no avail; for judging from the vote in congress, a majority of the people must sanction [sic] them— I will now draw to a close making, however, one more request of you, which is to furnish me with a copy of your speech in relation to Jackson's conduct in the Indian War.9

If Sir, the relation in which you stand to the gentlemen alluded to in this letter, and the office you hold in the government, should restrain you from a compliance with my requests, I hope my apology on the commencement of this communication, will be found sufficient for my thus drawing upon your time and attention— With sentiments of regard, I am your well wisher.

CLAIBORNE WATKINS

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay; postmarked by hand: "Scottville [sic] Va. . ."; and endorsed on verso by Clay: "Ansld. 2d. Oct. 1826." Answer not found. Watkins was probably the former resident of Abingdon, Virginia, a presidential elector in 1792, an active Jeffersonian in 1800, and one of the founders of the local lodge of the Masonic Order in 1796. Though the Watkins family had long been identified with Powhatan County, Claiborne's connection with "Oak Hill" has not been found.

1 No reference has been found. Randolph was not in Congress during the great debate on Jackson's conduct of the Seminole War (see above, II, 636-62). He had, in January, 1822, requested information regarding Jackson's quarrel with Eligius Fromentin (see above, III, 201n), so that, "if there had been malfaisance [sic] on the part of one or the other—and there was strong evidence that there had been malfaisance somewhere—" the matter might be brought to light. Annals of Cong., 17 Cong., 1 Sess., 614. 2 William S. Archer.

3 Randolph was defeated by Philip Pendleton Barbour in the contest for the senatorial seat on January 13, 1827. 4 William B. Giles.

5 See above, Brooke to Clay, November 27, 1825, note.

6 See Adams' first annual message, December 6, 1825, in Richardson (comp.), Compilation of the Messages and Papers of the Presidents, II, 302, 316; but cf. Adams' letter to the Senate, December 26, 1825, in ibid., 318.

7 Probably reference to Jackson's action in imposing military law upon New Orleans from December, 1814, to March, 1815, during which period Louis Louaillicr, a member of the Louisiana Legislature had been arrested for publication of an article criticizing the protraction of such authority and the Federal Judge, Dominick Hall, also had been arrested for issuing a writ of habeas corpus to effect Louaillicr's release. Though a court martial had subsequently acquitted Louaillicr, Jackson had rejected the findings and returned the Louisiana to barracks. He had been freed only after the termination of martial law following receipt of official notification of the signing of the peace treaty. For refusing to honor the Federal writ, Jackson had been subsequently charged with contempt of court and fined $1,000 plus the costs of the litigation. During this same period of intense military activity, Jackson had confirmed a court martial imposition of the death sentence upon six Tennessee militiamen, who had been arrested for mutiny at Mobile in November. The latter incident, in particular, received great publicity during the campaigns for Jackson's election to the Presidency. For accounts of both these events, see James, Andrew Jackson, the Border Captain, 275, 281-86. 8 Internal improvements.

9 Above, II, 636-62.
remains only the question of payment of indemnity, to obtain which he is charged with the duty of calling the attention of the United States Government. LS. DNA, RG59, Notes from French Legation, vol. 10 (M53, R-T9).

The case of the Eugène (Eugénie) was similar to that of the Apollon (cf. above, III, 398n) and had occurred at about the same time. John Quincy Adams, in discussing the affair of the Eugène, reports that the vessel fled; but he does not note the collection of duties. Memoirs, V, 229, 360, 413-14.

From [Jose Maria] Salazar, New York. Inquires whether “his communications of the 1st and 10th of July have been received at the department of state.” AN. DNA, RG59, Notes from Colombian Legation, vol. 1, pt. 2 (M51, R2).

INSTRUCTIONS AND DISPATCHES September 30, 1826

From Thomas L. L. Brent, Lisbon, no. 31. Describes “The election of the provincial electors,” who, in turn, choose the deputies, as favorable “to the Constitutional cause in Lisbon” and cites “flattering hopes” for similar results elsewhere, despite efforts of enemies of the constitution “to mislead and produce disturbances”; notes further desertions of “the military” from frontier towns. Comments unfavorably on the tendency of friends of the constitution to “look too much to the government” and favorably on the measures taken by the government, although he does “not perceive constitutional principles gain as yet much ground. . . .” Observes that “The principles constituting the basis of the forms of government of Spain and Portugal are now completely in array against each other, the struggle between them will be violent. . . .” States that “Several hundred” Spanish troops have deserted to Portugal, that the Cape Verde Islands reportedly wish “to separate from Portugal and to unite with Brazil,” and that a corvette dispatched to Rio de Janeiro presumably carries “correspondence of this government for the Emperor Don Pedro.” LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received December 5.

From Vincent Gray, Havana. Notes the activities of British cruisers against the slave traffic; states that “The Number of Africans thrown into this Port, and partitioned [out] amongst its inhabitants,” has reached “an alarming number” and, accordingly, “the place of Rendezvous [sic]” for the cruisers has been designated at the Isle of Pines, where the Africans are to be bound out “for seven years, to cultivate it.” Reports that the Spanish squadron which “lately sailed from hence [Havana] have encountered a dreadful Gale . . . by which they were dispersed and Suffered great damage.” Explains how he has greatly reduced “the desertion of our seamen” and their imprisonment in this port and praises the Captain General (Francisco Dionisio Vives) for his cooperation in this connection. Adds, in regard to his report on tonnage entering the port: “The Dutch Consul Genl Lobe (not yet acknowledged) says, that the Island is literally [sic] ours; as we have ¾ the advantage of the whole of the Trade, without being subject to the Disbursements of [the] Government.” LS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Received October 21.

From Robert Monroe Harrison, Antigua. Informs Clay of the difficulties experienced by American vessels wrecked on the island of Barbuda, where there is no American agent, and of the greed and rapaciousness of British officials there. Asks to be allowed, in case he should be “obliged” to leave his post, to name R. B. Eldridge to look after American interests in his absence. ALS. Ibid., Antigua, vol. 1 (M-T327, R1). Received November 8. Eldridge has not been identified.
From S[AMUEL] CHEW, Philadelphia. States that he has "become interested in behalf of the owners" in the case of the schooner Ranger; asks to be informed as to what has been done "and whether any thing is required [o]n the part of the owner." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on cover by Clay: "... Mr. Brent will be pleased to ansr. the enclosed— HC." On October 14, Daniel Brent acknowledged receipt of Chew's letter "of the 20th [sic] ulto.," stating his interest in the case of the Ranger and requesting information concerning steps taken by the Government for collection of indemnity. Brent replied, "by direction, likewise, of the Secretary, that instructions . . . [would] be given to the person . . . appointed to succeed the late Mr. [Richard C.] Anderson, in the Legation to Colombia, to prosecute the claim . . ." DNA, RG59, Dom. Letters, vol. 21, p. 401 (M40, R19). Chew was a Philadelphia lawyer. On the case of the Ranger, cf. above, Seaward to Clay, October 19, 1825; Watts to Clay, January 6, 1826; Anderson to Clay, April 9, 1826.

From GEORGE B. CLAXTON, Philadelphia. Reports having been informed that the Danish tax on property removed from the Island of St. Croix has not been abolished by the recent treaty between the United States and Denmark (see above, April 26, 1826); notes that British subjects "have for some time been by treaty exempt from this tax"; inquires whether American citizens may expect a similar arrangement. ALS. DNA, RG59, Misc. Letters (M179, R64). Claxton not further identified. On the adjustment of this issue, see below, Bille to Clay, November 11, 1826; Ritchie to Clay, November 13, 1826.

From Samuel Martin

D Sir

Campbell Station T— Sept 1826

enclosed is a few lines for the President please hand them to him a new session of Congress is near at hand be for your Country & the—the [sic] people will be for you no excitement amongst the people all the [sic] want & the best thing Can be done for them is education & my↑ for their labour nothing but the improvement of the Country Can produce this one thing I wish to draw the attention of the President to is the entire repeal of the law Charging postage on Newspapers & pamphlets of not over one Sheet↑ let us try for this it will think [sic] do much & I would rather be exciting Cause of it than President of the Union without it take of [sic] the 2 Cents on each free letter & reduce the Compensation to Postmasters to keep things even↑ but let me beg these [sic] who Can do so much to have or try to have the Postage took off these two items↑

the Tariff law that you so well advocated is devoloping [sic] itself nobly and as I predicted the tonnage of th [sic] Union is encreasing you thought otherwise at the time↑ but time speaks facts

SAML. MARTIN

ALS. DNA, RG59, Accounting Records, Misc. Letters. Addressed to Clay; endorsed on cover: "Red 9th Octo:" Martin, born in Ireland, had been a pioneer settler in eastern Tennessee, residing first in Jefferson County and then in Roane, where he had
long operated a store at Kingston. In the spring of 1824 he had acquired property at Campbell's Station, twelve miles southwest of Knoxville, where he engaged in merchandising for some fifteen years, while still retaining his operation at Kingston.

1 Money.

2 By act of March 3, 1825, the postage rate for all newspapers had been set at one cent for each 100 miles or fraction thereof or for delivery within the State of publication and one and one-half cents for greater distances. Periodically published pamphlets and magazines were to be transported, when the size of the mail permitted, at one and a half cents a sheet for up to 100 miles and two and a half cents for greater distances. For those not published periodically the charges were to range at four to six cents each sheet. 4 U.S. Stat., 111-12.

3 Under the legislation cited above, note 2, the postmaster general had been authorized to allow postmasters a commission of fifty per cent on funds received as postage on newspapers, magazines, and pamphlets and two cents for every free letter delivered out of his office, excepting those for themselves. A maximum compensation for postmasters had been set at $500 a quarter. Ibid., 106.

4 The desired legislation was not passed, though an amendment of March 2, 1827, provided for halving the postage rates on small pamphlets, printed on half or quarter sheets. Ibid., 238.

5 Cf. above, III, 706.

To [Samuel L.] Southard


I recd. your favor of the 29th. Ufto. 1 Prospects are good in Maryland. A majority of the Senate (estimated as 9 to 6 or 11 to 4, out of fifteen who compose the body) is believed to be in favor of the Administration. 2 Col. Forrest has declined in the adjoining district above, and it is thought Washington will be elected. 3 My information is that Barney will be elected with ease. 4 Weems will be run hard, if not beaten &c. 5

In Kentucky there are vacancies in two of the four districts that voted for Jackson, and much probability that they will be represented by two members of politics opposite to their predecessors. 6 In Ohio all stands perfectly well. We shall look with anxiety to the result in your State.

Yr's truly H. Clay

Mr Southard.

P. S. Your two letters on official business are recd. & shall be attended to on tomorrow this day being Sunday. 7 H C


1 No private correspondence from Southard to Clay on that date has been found.

2 Cf. above, Clay to Birney, September 22, 1826.

3 Benjamin S. Forrest, of Montgomery County, had been elected to the Maryland Senate by the State college of electors on September 18. He thereupon had declined candidacy for Congress. Washington Daily National Journal, September 30, 1826. George Corbin Washington, grandnephew of George Washington and a strong supporter of the Adams administration, was then elected to Congress, defeating George Peter in the general election of October 2. After representing the Rockville district from 1827 to 1833 and from 1835 to 1837, Washington became president of the Chesapeake and Ohio Canal Company and, in 1844, commissioner to adjust Cherokee Indian claims.

4 John Barney was re-elected over John P. Kennedy. Cf. above, Smith to Clay, June 7, 1826, note.

5 John C. Weems, Anne Arundel County, Maryland, had been elected to the congressional seat vacated by Joseph Kent (see above, Clay to Hughes, December 15, 1825, note). He was re-elected in 1826 for the next Congress (cf. below, Clay to Hammond, October 7, 1826), after which he retired to his plantation.
OCTOBER 2, 1826

6 Of the four representatives who had voted for Jackson (see above, Kendall to Clay, February 19, 1825, note), Robert P. Henry had died August 25, 1826, and John T. Johnson had been succeeded by his brother James, who had died August 14, 1826. The remainder of Henry’s term was filled by his brother, John F. Henry, who was friendly to the Adams administration (cf. below, Crittenden to Clay, November 25, 1826); while Robert McHatton, of Georgetown, a supporter of Jackson, was elected to complete James Johnson’s term.

John F. Henry, a physician, born in Scott County, Kentucky, had served in the War of 1812, had been graduated from the College of Physicians and Surgeons at New York in 1817, and, shortly thereafter, had settled in Hopkinsville, Kentucky. Defeated for re-election to Congress in 1827, he abandoned politics and, in 1831, taught in the Medical College of Ohio at Cincinnati. He moved to Bloomington, Illinois, in 1834 and settled in Burlington, Iowa, in 1845. McHatton, a farmer, was re-elected to Congress and served until March 3, 1829.

7 See above, Southard to Clay, September 29, 1826; below, Clay to Southard, October 3, 1826. No other official correspondence in this immediate period has been found.

INSTRUCTIONS AND DISPATCHES October 1, 1826

From NATHAN LEVY, St. Thomas. Refers to his letter of June 14; complains further of “the extreme want of” ships’ registers “in conducting . . . official duties”; and cites the need for an additional document, the Role d’Equipage, as “highly requisite to be placed with your Consuls,” it being “the only one verified (on board) by which the nationality of the Seamen or ships Crew can be perfectly shewn.” LS. DNA, RG59, Cons. Disp., St. Thomas, vol. 2 (M-T350, R2). Received November 29.


To [John Quincy Adams]

Dear Sir

Department of State Washington 2d. October 1826

I transmit you herewith, for your inspection and amendment, a note prepared in answer to that of Mr. Vaughan, of which I sent a Copy.1 I should be glad, if convenient, that it should be returned in time to go by Mr. Lawrence. I am with great respect Your obedient Servant

H CLAY

The President


1 See below, Clay to Vaughan, October 12, 1826. No letter of transmittal of Vaughan’s note on the execution of the St. Petersburg Convention has been found.

From Samuel A. Foot

D Sir

Cheshire Ct. Oct. 2d 1826

[Requests Clay’s help in connection with a recommendation of
Daniel Burrows, whom Foot calls "Our good old, honest friend," for appointment to "the office of Collector of the Port of Middletown, which is soon expected to become vacant."[2]

If any Administration ever was, or could be, driven into public favor by unprincipled & malignant opposition, the present most assuredly will be— all the exertions of its friends combined, could not ensure its support, & secure the confidence of the people, so firmly, as the mad Zeal of its enemies— with my best wishes for your health & happiness & in the hope of meeting you at the opening of the next Congress[3] I am sir with high respect your obedt Servt.

SAML. A. Foot


1 A Methodist minister, member of the Connecticut Legislature, 1816-1820, 1826, and a Representative in Congress, 1821-1823. He had moved from New London to Middletown in 1825 and had been appointed surveyor and inspector of revenue for the latter port in May, 1826. He was not named collector but retained the office of surveyor until 1847.

2 The position of collector appears not to have been vacated until 1829, when President Jackson did not reappoint Alexander Wolcott, one of the founders of the Jeffersonian movement in Connecticut, who had held the office since 1802.

3 Foot had been elected Senator from Connecticut in May, 1826, and served from March, 1827, to March, 1833.

From John Sergeant

Dear Sir, (Private) Philada. October 2d. 1826.

Your favor of the 39th. Sepr.[1] came safely to hand, but too late for the mail of to day. This gives me an opportunity of telling you that the standard has been fairly hoisted, and will I think be resolutely maintained. Of the particular occurrences of the afternoon, I cannot give you any thing like an accurate account, for the proceedings have been of so tumultuous a kind that those who had a part in them are unable to tell what happened. The outline seems to be this— Since Thursday, the friends of Genl. Jackson have used every exertion, by placards and otherwise, to bring together a large force of violent men, of every description and from every quarter, whether in the District or out of it. Having the machinery of the party in their hands, and the nom de guerre, they were able to do a good deal. At the appointed hour, Captn. Jones took the chair. A scene of clamour immediately ensued, and after some time a motion was made to adjourn to the State house yard. Finally, the chairman and the two secretaries with their friends adjourned to a room in the neighborhood, and the others went into the State house yard, where they appointed a new chairman and secretary. Our friends had a large, and certainly a most respectable meeting, including some of the best known Democratic names in the District. They appointed a good committee, and have called
October 2, 1826

another meeting for Thursday. Our opponents, I believe, outnumbered us, but from all I can hear, we were stronger than could have been expected, and our friends are full of confidence. Every one I have seen is of opinion that every thing looks well.

The matter is now fairly put at issue, and the ballots are to decide. There is one circumstance a little unpropitious. It was, however, inevitable. The Federal conferrees [sic] wished me to be their candidate. I declined, for reasons which will readily occur to you, but which were not of a nature to be assigned. Some of them will be irritated that after this I should have consented to be a candidate for the other party. It is to be hoped that this will not be extensive. Considerate men will see the necessity there was for the course that has been taken. On the other hand, it is in our favor that the federal nomination for Congress2 is not an acceptable one. Many of the party are displeased with it. The same may be said of the Jackson nomination.3 The man named is by no means a favorite, and is supported by nothing but the influence of that system of terror which has been kept up. Many of the Jackson men would be glad to defeat him. The result of the election is very uncertain, but I feel confident we shall make a respectable appearance.

The difficulty you mention has been considered. Under other circumstances, it would have been yielded to at once. But a seat in Congress is not now the question. A great move was to be made, and as it was said that it could not be done without the use of my name, there seemed to be no room for hesitation. How far our friends were right in considering the name of so much importance, it is not for me to say; as they made it a point, I could not refuse it. Action was indispensable. It has had a cheering influence already. Men who were timid and desponding, are now full of animation, from the support and countenance they have met, even beyond their expectations.

I ought to mention to you that in all this affair, our friend Captain Jones has behaved admirably. His firmness and judgment were of infinite value.

I have been so often interrupted, that I fear this letter will be any thing but satisfactory. My most earnest wish, let me say in conclusion, is, that the result may be what we hope. Nothing can give me more pleasure than to be instrumental in the work, for, other motives out of the question, I consider it a vital matter for our Country. Very respectfully & truly Dr. Sir, Yrs.

The Honble Henry Clay.

John Sergeant.

ALS. InU. Cf. above, Sergeant to Clay, September 28, 1826.
1 Not found. 2 Thomas Kittera. 3 Henry Horn.
Dear Sir.

Ballston Spa N.Y. October 2. 1826

I rejoice to learn by the Newspapers that you have returned to Washington in improved health & sincerely hope it may soon be entirely confirmed. I recently spent nearly a month in Massachusetts, New Hampshire & Rhode Island & was happy to find public sentiment generally no less friendly to yourself than to Mr Adams. Much anxiety was expressed in regard to your health & the remark was very often made by men of the first political importance that "the life & health of no man in the nation is of so great moment to the administration as Mr Clay's." In renewing your official labours you owe it to yourself & your friends to be doubly careful of your health. Might not a confidential Clerk be found to whom some portion of the business you have usually done could safely be confided? The suggestion I am sure will be received as it is meant in friendship. Your address at the Lewisburg dinner is doing much good. It has produced some useful changes in my district & I have taken measures to give it general circulation—

The Jacksonians have effected a political union with a portion of the Bucktails in this County & will run a Jackson candidate for Congress with their united strength. The proceedings of the meeting at Waterford taken from the Waterford Reporter a Jackson Paper are enclosed. They have been published in the Bucktail Paper at Saratoga Springs with approbation & a prophecy of success. At different elections in this County for Congress I have been opposed by five of the most wealthy & respectable Federalists & Bucktails. I believe [sic] they all have united in support of the Jackson cause. Mr Van Burens influence with the Editor, & particular patrons of the paper at Saratoga Springs is understood to be controlling [sic]. He spent much time there last summer & at his last visit I am informed his parting injunction was "Whatever you leave undone one thing you must do, you must oppose Taylor." I shall probably be a candidate & anticipate a hot contest. My friends however feel confident of our success. No honorable effort within our power will be omitted to defeat the combination. The Free men's meeting to make nominations for Congress & Assembly will be held the 19th. & the Jackson Meeting the 21st of this month. The Bucktails have not yet notified [d] theirs, but I presume it will take place the week following. Col. Young expresses himself hostile to the combination but I know not whether he will openly oppose it. The mail is closing & I have not time to read over what is written. It is confided to your friendship— With regard & esteem I am very truly Your obedt servt

John W. Taylor
P.S. The Jackson meeting was attended by about 100 electors. Two of the delega[tes] are Clintonians & Two Bucktails.[.]

The Honorable Henry Clay

ALS. DLC-HC (DNA, M212, R2). 1 Above, August 30, 1826.
2 The Jacksonian candidate has not been identified.
3 Further reference to this meeting has not been found.
4 The Saratoga Sentinel, founded in 1819. The editor not identified.
5 Taylor was re-elected in early November by the largest majority he had attained since 1818. Washington Daily National Journal, November 17, 1826.
6 Further reference not found.
7 Not found. 8 Samuel Young.

INSTRUCTIONS AND DISPATCHES October 2, 1826

From J[ohn] M. MacPherson, Cartagena, Colombia. Transmits a copy of resolutions adopted "by the Inhabitants of this place," declaring their opposition "to the Government." States that the action, wholly unexpected, is a reaction to the "recommendation" of (Simón) Bolivar, who has sent an officer bearing "dispatches for General [José Antonio] Paez." Asserts "that the Mass of this people are totally unfit to form a republic. . . ." LS. DNA, RG59, Cons. Disp., Cartagena, vol. 1 (M-T192, R1). Received November 15. In a circular letter to "Persons of Influence in Colombia", Bolivar, on August 5, had proposed that the draft constitution he had submitted to Bolivia should "become the keystone of union and stability" for all the Republics of South America. Lecuna (comp.) and Bierck (ed.), Selected Writings of Bolivar, II, 626-27. Cf. above, Allen to Clay, August 7, 1826; Forbes to Clay, September 5, 1826.

From Condy Raguet, Rio de Janeiro, no. 16. Complains of difficulties with the Brazilian Government in relation to his sublease of a house and his inability to obtain cancellation of a bond posted for release of the crew of the Ruth (cf. above, Raguet to Clay, September 1, 1826). Elaborates on the venality of Brazilian customs officers and judges, the brutality of Brazilian naval officers, the horror of Brazilian prisons, and the inhospitality of the people. Reports that the brig Pioneer, of Salem, on a voyage from Havana to Montevideo, has been taken prize by Admiral (D. Rodrigo) Pinto (Guedes). Declares that American "relations with Brasil cannot long stand upon their present footing. An explosion or a complete reconciliation must soon take place. . . ." Adds, on October 3, that his bond has been cancelled, but no redress has been granted, and Pinto's action in harassing neutral vessels has been upheld as policy. ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received November 28. Extracts published in American State Papers, Foreign Relations, VI, 1037-39.

The American brig Pioneer had been captured off Cape St. Mary's on September 3. The vessel was released after a short time, but the cargo was confiscated. This sentence was upheld on appeal to the Brazilian Supreme Court of Admiralty, but an imperial decree of May 21, 1828, reversed the ruling. Compensation was subsequently paid in full. Hasse, Index . . . Foreign Affairs, II, 1289; Sen. Docs., 35 Cong., 2 Sess., no. 18, p. 119.

APPLICATIONS, RECOMMENDATIONS October 2, 1826

Richard Bland Lee and George Graham, Washington, recommend Cornelius Wells, a veteran of the Revolutionary War, formerly of Virginia but now of
From Albert H. Tracy

Hon Henry Clay Secy. of State  Buffalo New York October 3, 1826

My dear Sir

[Recommends Chauncey Goodrich,1 "of this town," for appointment as messenger "to carry despatches to Panama."] Our mutual friend Rochester2 is well acquainted with him and I am informed will cheerfully superadd his own strong wish to mine that his application may be favorably regarded

Probably you know that our general election is at hand but may not know that I have again entered the field as a candidate for Congress. I have been induced to do so purely with a view to forth coming events at Washington; my prospects of succeeding are fair3— Nothing can make me happier than to learn that your health is re-established or at least improved— Every thing else which can gratify a sincere friend I hear of you through publick channels With Sincere respect & esteem I remain faithfully yours

ALBERT H. TRACY


1 A New York militia officer, the young man was employed by the State Department in 1827, but to carry dispatches only as far as New York. House Docs., 20 Cong., 1 Sess., no. 226, p. 85.

2 William B. Rochester.

3 Tracy was defeated.

MISCELLANEOUS LETTERS  October 3, 1826

To [Samuel L.] Southard, Trenton. Transmits "the desired letter of Introduction from the British Minister" (see above, Southard to Clay, September 29, 1826). Notes incomplete information on election results in Maryland but thinks his "favorable expectations will be more than realized" (cf. above, Clay to Southard, October 1, 1826). ALS. NjP-Samuel L. Southard Papers. Endorsed on cover: "Ans'd. Trenton 8 Oct 1826." Answer not found.

From William Burleigh, South Berwick, Maine. States his belief that, in Maine, "a determined opposition to the National Government exists and will exhibit itself in its worst shape, at the next Presidential Election." Notes that "The [Bath] 'Maine Enquirer,' a paper established and directed by Gov. [William] King, already boasts of the rising popularity of Genl. Jackson and several other papers maintain a moody silence on the subject of National Politics." Attacks the (Portland) Eastern Argus for refusing "to take a stand" and comments that "It will, in its own good time, become the leading opposition paper in the State." Asserts that it is given "the printing of the Laws . . . because it is the State paper," while in Maine it is given "the State printing
OCTOBER 4, 1826

... because it is designated to print the Laws of the Union ... " Urges transfer of "the printing of the laws ... from the Argus to the [Portland] American Patriot," which has "extensive circulation" and is devoted to Adams and Clay. States, in relation to the Argus: "We consider it a hard case, that a paper should be supported by the Administration, while it is constantly employed in the abuse of its friends." ALS. DNA, RG59, P. and D. of L. Burleigh, a South Berwick lawyer, had been born in New Hampshire. He was a Congressman from Maine from 1823 until his death in 1827.

William King, a half-brother of Rufus King, had amassed a fortune as a merchant, shipowner, and banker at Bath. After long service in the Massachusetts General Court and leadership in the movement for separation of Maine from the mother State, he had presided at the Constitutional Convention of Maine and had become her first Governor. He had resigned this office to become a commissioner, from 1821 to 1824, under the Adams-Onis Treaty. Jackson later appointed him collector of customs at Bath from 1830 to 1834; but when he was not reappointed, he ran in 1835 for re-election as Governor on the Whig ticket. Defeated in this effort, he subsequently lost much of his political influence.

On the transfer of the contract for publication of the laws, see above, Herrick to Clay, October 27, 1825, note.

APPLICATIONS, RECOMMENDATIONS October 3, 1826

JOSEPH DOUGHERTY, Washington, solicits appointment, preferably as superintendent of the War Office, a position he had held when (John Quincy) Adams was Secretary of State, to enable him to pay a debt of $219, which he owes the United States Government. ALS. DNA, RG59, A. and R. (MR2). Dougherty had been superintendent of the buildings occupied by the War and Navy Departments. His debt, unsettled for three years prior to September 30, 1824, was listed at $218.19 and had been carried to judgment at the December Term of Federal Court, 1825, with an award to the Government of $273.40. The account was closed in 1827, with the notation: "Released by the President." House Docs., 18 Cong., 2 Sess., no. 5; 19 Cong., 2 Sess., no. 137; 20 Cong., 1 Sess. no. 9.

To Albert Gallatin

Department of State Washington, 4 October 1826.

No. 7. Albert Gallatin Envoy Extra: & Min. Plen: to Great Britain

Sir, (Confidential)

You are aware that Messrs. Baring, Brothers and Company, of London, are the Bankers of the United States. Surmises having been made as to their stability, I would be glad if you would satisfy yourself, whether they have any foundation, and advise me if you deem any Change expedient; and, in that case, whom we had better designate to do the business which they have hitherto transacted. I need not say that, from the relations which have always existed between the United States and that House, the necessity of a Change would be reluctantly felt; but the public
Interest must be protected, and, if there be even doubts about them, other Bankers ought to be selected.

I am, respectfully, Your obedient Servant  

H Clay

ALS.  NHi-Gallatin Papers. ALI draft, in DLC-HC (M212, R7): copy, in DNA, RG59, Dipl. Instr., vol. 11, p. 161 (M77, R6).

To Jared Sparks

Dear Sir


I duly received your favor of the 15th. Ulto.1 I would take great pleasure in supplying you with any materials, not of a confidential nature, from the Department of State, illustrative of the political condition of Chile, but Mr. Allen2 has transmitted none but copies of the same pamphlets and printed papers as those which you have obtained from him, at least I presume them to be the same. Should there be among those which we have any that you have not, which can be ascertained when you execute your intention of visiting this City, they shall be at your service. Of all the Southern Republics Chile appears to have made the smallest progress in the consolidation [sic] and improvement of her institutions. It has not recovered from the disorders created by the ambition of the family of Carrera,3 and other untoward events. Colombia is, on the contrary, is [sic] the most advanced—at least so I thought before the insurrection of her Military Chieftain.4 I shall therefore eagerly read the article to which you refer from the pen of my poor friend Anderson.5 I expect in it no ornament but, what is much better, good sense, clear discrimination, and sound views.

Your letter to Mr Forbes6 has been forwarded. I am with great respect Your ob. Servant  

H Clay

Mr. Jared Sparks.

ALS. MH.  
1 Not found.  
2 Heman Allen.  
3 See above, II, 561n, 702n, 789n.  
4 José Antonio Páez.  
6 John M. Forbes.

From John Bradford

Dr Sir

Lexington Octr. 4th. 1826

I this day received a letter dated “Department of State Washington 21st. Sept. 1826” signed “W. Brown Agt”1 who as a reason for not settling my account against the government for printing the laws &c states, “that, as, at the time they were authorised to be published in the Kentucky Gazette, John M. McCalla was under-
stood to be its proprietor; and it is indispensable [sic] to the payment for that service, that this department should first be furnished with a relinquishment of his claim, to you."

As I had regularly forwarded the Kentucky Gazette not only to the department of state, but to every department of the Government; I had thought that no agent in any of the offices could have been ignorant of my being the Editor and proprietor of that paper, as it was regularly published at the head of the first column in every paper. I presume this would not have happened had you been present, and consulted on the subject; and to prevent the like happening again I send herewith inclosed, the paper in which Jno. M. McCalla announces to the world that he has transferred his interest in that paper to me, and that therefore there is no necessity for any thing further from McCalla.

Mot. Respectfully Yrs &

JOHN BRADFORD
P. S. The date of Your letter designating the Kentucky Gazette as one of the number for publishing the Orders, Resolutions Laws &c is 13 Nov. 1825 and McCalla's transfer to me on the 28h. April 1825


1 William Browne.
2 McCalla had succeeded Joseph Ficklin as publisher of the paper in February, 1824. Lexington Kentucky Gazette, February 12, 1824.
3 Ibid., April 28, 1825.
4 Most.
5 Not found.

INSTRUCTIONS AND DISPATCHES October 4, 1826

From Robert Monroe Harrison, Antigua. Encloses "a paper containing the orders in Council" by which trade between the United States and the British colonies is to be cut off (cf. above, Gallatin to Clay, August 19, 1826). Repeats a previous request (dated September 30) to be allowed, in case he "Should . . . be compelled to leave the Island," to leave R. B. Eldridge in charge of American interests. ALS. DNA, RG59, Cons. Disp., Antigua (M-T327, R1).

From J[ose] R. Poinsett, Mexico, no. 59. Transmits translation of a report by the Mexican Secretary of State (Juan José Espinosa de los Monteros) to the Senate on "the causes of the removal of the Congress of Panama, from that place to Tacubaya." LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received December 2. Published in American State Papers, Foreign Relations, VI, 362.

To J[ose] M[aria] Salazar

Don J. M. Salazar E E & M.P. from Colombia.

My Dear Sir, (Private & unofficial) Washington 5th. Octr. 1826. My absence from this City has delayed answers to your two notes
of the 1st. and 10th. July, to the former of which I now send here-with an answer.¹ The absence of the President prevents my trans-mission, at present, of replies to the other, and to your note just received of the 29th. ulto. As he is expected to return in about twelve days, there will not be much further delay.— In the mean time, I have to bespeak your indulgence for that which has arisen, or may occur.— I am truly and faithfully Your obedt. Servant,

H. CLAY.—


¹ Below, this date.

DIPLOMATIC NOTES

October 5, 1826

To Jose Maria Salazar. Acknowledges receipt of Salazar’s note of July 1, transmitting a copy of the declaration made by Great Britain, and subsequently accepted by Colombia, in relation to the treaty recently signed by those countries; requests him “to attribute to” Clay’s absence from Washington “the delay which has occurred in the acknowledgment of the receipt of it. . . .”

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 283 (M38, R3).

MISCELLANEOUS LETTERS

October 5, 1826

From Joseph Bell and Joseph Watson, Philadelphia. Enclose “another Claim on the Government of France . . . for provisions sold to the Agent General for the use of the Military Hospital at Cape Francois [Santo Domingo] in March 1803 amounting with Interest thereon” to $18,779.88. ALS by Bell, signed also by Watson. DNA, RG76, French Spoliations, 1791-1829. Bell not further identified. Watson was mayor of Philadelphia form 1821 to 1828. The partners’ claim was probably that totaling $22,012.50 by 1834, “For a bill drawn by the Prefect of St. Domingo on the Government of France.” It was then rejected by the commissioners acting under the convention with France of 1831, on the ground that the claim did not fall “within the treaty.” Sen. Docs., 23 Cong., 1 Sess., no. 417, p. 69.

From W[illiam] J. Duane, Philadelphia. Transmits a copy of an excerpt from a letter received by Joseph Solms, of Philadelphia, his client, stating that “either the French ambassador to the United States, or the minister of the United States in France” (Durand de Mareuil; James Brown) has interfered to keep the mayor of Colmar from making available copies of certain public records needed in a suit “pending in the Supreme Court of Pennsylvania.” Requests Clay “to make such inquiry . . . as may end in removal of the interdiction. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64). Solms not further identified; the suit not found.

From John Woodside, “Superintendent of the Buildings of State Dept &.” Notes that “the season for fires in the Offices of the Departments of State and Treasury is at hand”; that “Mr. Boyd one of the watchmen,” after having “subjected himself to much censure,” is discharging his duties faithfully; that “Mr. Wm. Maul holds an appointment as a Watchman also, but the duties if discharged are done by his brother as a substitute”; and that “There are
exceptions to the substitute. . .” ALS. DNA, RG59, Misc. Letters (M179, R64). Woodside and William Maul have not been further identified, except that the latter was apparently hired by the State Department for “extra services,” only, at the rate of $25 a quarter. R. B. Boyd was hired as a laborer and lamp lighter; John P. Maul, as an assistant laborer. House Repts., 20 Cong., 1 Sess., no. 226, passim.

APPLICATIONS, RECOMMENDATIONS October 5, 1826


EDWARD TAYLOR, Upper Marlboro (Maryland), solicits appointment as Secretary of Legation in Bogotá. ALS. DNA, RG59, A. and R. (MR4). The requested appointment was not made.

Check to John M. Schlecht

6 Oct. 1826

Pay to John Scelecht [sic] or order sixty eight dollars.
Cashr. of the Off. of B. U. States Washn

H CLAY

ADS. DLC-TJC (DNA, M212, R16). Endorsed on verso: “J. M. Schlecht.” Cf. below, Receipted Bill, this date.

1 Richard Smith.

Receipted Bill from John M. Schlecht

Hon H Clay Washington City [October 6, 1826]
1826 Bot of John Scelecht [sic]
6-Octr—1 Bbl Wine 34 Gall at $2.00—$68-00 Recd. Pamt

JOHN SCELECHT

ADS. DLC-TJC (DNA, M212, R16). The signature here is not the same writing as the endorsement above, Check, this date, or as that below, Check, October 27, 1827.

APPLICATIONS, RECOMMENDATIONS October 6, 1826

A[braham] Edwards, Detroit, refers to “the death of A. G. Whitney attorney for the United States” for the Territory of Michigan and recommends the appointment, as his successor, of John L. Leib. ALS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 994-95. Edwards, born in Springfield, New York, had opened practice as a physician in 1803, had served as an Army surgeon from 1804 through the War of 1812, had con-
continued military duty as aide-de-camp to Governor Cass from 1818 to 1823, and the following year had been appointed to the legislative council and named one of the commissioners to survey a route to connect the National Road with Detroit. He had been re-elected to the legislative council in 1825 and served in that body until 1831. From 1831 to 1847 he was register of various public land offices in Michigan.

Whitney had died on October 5. Leib, a brother of Michael Leib, had moved to Michigan from Philadelphia at the end of the War of 1812 and had served as presiding judge of Wayne County court from 1817 to 1823. He was named Federal marshal for Michigan Territory by President Jackson in December, 1830, but the nomination was not approved by the Senate. He did not receive the appointment here recommended. Cf. below, Hunt to Clay, this date, note.

JOHN HUNT, Detroit, recommends Daniel LeRoy for appointment as United States attorney in Michigan. ALS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 993-94. Hunt, a native of Massachusetts, had practiced law, served as county attorney, and represented the town of Stockbridge in the General Court of that State before moving in 1818 to Michigan. From 1823 until his death in 1827 he was Territorial judge.

Daniel LeRoy, born in Nova Scotia, had been educated there and at Binghamton, New York, and had begun the practice of law at the latter place before removing in 1820, to Pontiac, Michigan. He had served as county prosecutor for several years and was named in December, 1826, to the position of Federal attorney. He retained the latter office until his resignation in 1834.

WILLIAM F. MOSELEY, WILLIAM A. BURT, JOHN STOCKTON, and SIDNEY DOLE, Detroit, all members of the Michigan Legislature, recommend the appointment of Daniel LeRoy as United States attorney for that Territory. LS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 994. Moseley, born in Connecticut and admitted to the bar in Oakland County, Michigan, in 1825, served as a member of the Territorial Legislative Council in 1826 and 1827. Burt, born in Petersham, Massachusetts, had been reared in western New York, had bought land near Detroit in 1822, and had settled there two years later. A millwright by trade, he patented in 1829 "The Typographer," a machine which was the precursor of the modern typewriter. He was for many years a surveyor for the General Land Office and, in connection with this work, invented a "solar compass," patented in 1836, and an "equatorial sextant," patented in 1856. He served as a member of the Territorial Legislative Council from 1826 to 1827 and of the Michigan House of Representatives in 1853, in which latter capacity he was one of the leaders in promoting construction of the Sault Ste. Marie Canal, opened in 1855.

Stockton, born in Lancaster, Pennsylvania, and reared at Chillicothe, Ohio, had been an Army officer during the War of 1812, private secretary to Lewis Cass in 1815, shortly after the latter's appointment as Governor of Michigan Territory, a merchant at Detroit in 1816, for three years postmaster at Mt. Clemens, and since 1819 (until 1874) a justice of the peace of Macomb County. He represented that county in the Territorial Legislative Council from 1824 to 1831 and again from 1834 to 1835, in the Territorial Senate from 1835 to 1836, and in the State legislature in 1840, 1841, and 1850.

Dole, born and reared in New York, had come to Detroit in 1818 and the following year had settled at Pontiac. He was clerk, register of probate, and a justice of the peace for Oakland County from 1820 to 1827 and, from 1826 to 1827, a member of the Territorial Legislative Council.
My Dear Sir

Washington 7th. Oct. 1826

I received this morning your obliging letter of the 27th. Ulto. under date at Lebanon. I thank you for the interesting information which it contains; and your suggestions shall have a full consideration, in the same friendly spirit in which they are made. I was disappointed in the result of the Illinois election, but I have abundant assurances both from that State and from Missouri that neither that result, nor the issue of the Missouri Election, nor the re-election of Benton (which is highly probable) is to be considered as evidence that either of those States is opposed to the Administration, or to the re-election of Mr. Adams. Still those events are to be regretted. They are however perhaps more than counterbalanced by events which have occurred, and are likely to occur in this quarter. In Baltimore the issue was fairly made up by the Jackson men themselves Jackson versus Adams—verdict for the defendant by more than three thousand votes. I believe the Administration has succeeded, if not, in every district in Maryland, in eight out of the nine. Weems was compelled to disavow all opposition, and even then, altho' he got votes from some of the friends of the Administration, his election was effected by a majority less than twenty. In New Jersey, where the issue is also made up, our information is that the Administration Candidates will succeed. I regard that as the most important election of this fall. For it is a contest for a whole State and that State formerly for Jackson. So that if it be gained it will have a double effect. In Pennsa. things are working well. At Philada. our friends are in great spirits and confident of the election of Sergeant. Should that take place it will lead to important consequences throughout the State. Men who differed upon the past but who think alike of the present will be brought to act and co-operate together; and if such an union can be effected, Sergeant writes me that “without doubt” there is a majority in the State in favor of Mr. Adams.

I wait, with anxiety, to hear from Ohio. I have lately been a
little alarmed for Wright and Sloane; but I hope my fears will not be re-alized [sic].

My health has improved a good deal since I saw you. Should I fail to preserve a sufficient share of it, in the experiment I wish to make this winter, I will certainly do as I intimated you.

Cordially Your friend

H Clay

C. Hammond Esqr.

ALS. I nU.

1 See above, Clay to Adams, July 25, 1826.
2 Thomas Hart Benton was re-elected.
3 See above, Clay to Southard, October 1, 1826, note.
4 John C. Weems had won by a margin of only fourteen votes. *Niles' Weekly Register*, XXXI (October 14, 1826), 101. But Michael Cresap Sprigg and Ephraim King Wilson, the latter a graduate of Princeton College and a lawyer, were identified as Democrats during their service in Congress, from 1827 to 1831. The other new members of the Maryland delegation were George Corbin Washington and Levin Gale. Gale, an Elkon lawyer, who served only one term, until 1829, supported internal improvements legislation but was also viewed as an opponent of the administration. Cf. below, Goldsborough to Clay, October 12, 1826, note.
5 The New Jersey election was a decisive victory for the administration, only one, George Holcombe, of the opposing candidates being elected. The Adams supporters carried eleven counties as opposed to three for their opponents. *Niles' Weekly Register*, XXXI (October 21, November 4, 1826), 127, 156.
6 See above, Sergeant to Clay, September 28, October 2, 1826.
7 John C. Wright and John Sloane were both re-elected. See below, Sloane to Clay, October 16, 1826.
8 Cf. above, Clay to Thompson, September 23, 1826.

To [George] Poindexter

Dear Sir

Washington 7th. Oct. 1826

It has been some time since I have received any satisfactory information as to the state of your health. I hope it has improved, and that you will have been entirely restored to the use of those physical faculties without which life is less desirable. Such an assurance from yourself would be highly gratifying.

You will have seen, from the public prints, that I continue to be the object of most virulent abuse. My friends however are not inactive nor few, and I feel no apprehensions of finally surmounting the unmerited attacks which have been made upon me. The cause of the Administration is daily gaining strength. In Baltimore, which preferred [sic] Gen. Jackson, at the late Presidential election, the Jackson candidate for Congress has just been beaten by three thousand votes. In other parts of Maryland changes, favorable to the Administration, have also been made. Its friends are very confident of success in New Jersey. And in Pennsa. the number of Genl. J.'s friends has greatly diminished. Well informed persons assert that there is now a majority in that State, who would prefer Mr. Adams.

My information as to your State is imperfect. Will Mr. Reed or his opponent be elected? I feel interested for the former as an old
friend, who, if he has some eccentricity, possesses nevertheless redeeming talents. and qualities. There is certainly a wide difference, in intellectual attainments, between the two gentlemen, in favor of Reed.

With my best wishes for your health & prosperity I am truly & respectfully Yrs

Mr. Poindexter.

H. CLAY

ALS. Ms-Ar-J. F. H. Claiborne Collection. Cf. above, Clay to Hammond, this date; below, Poindexter to Clay, December 1, 1826.

1 Poindexter had become "a chronic invalid, crippled with rheumatism, at times incapable of walking. . . ." John Francis Hamtramck Claiborne, Mississippi, as a Province, Territory and State, with Biographical Notices of Eminent Citizens . . . (Jackson, Miss., 1880), 393.

2 See above, Clay to Southard, October 1, 1826; Clay to Hammond, October 7, 1826.

3 Cf. above, Sergeant to Clay, September 28, October 2, 1826; below, Cameron to Clay, ca. October 15, 1826.

4 In January, 1827, Thomas B. Reed was defeated, for re-election to the United States Senate, by Powhatan Ellis, a Natchez lawyer. Ellis had been born in Virginia and educated at Washington Academy (now Washington and Lee University), Dickinson College, and William and Mary College. He had settled in Mississippi in 1816; had served as a member of the State Supreme Court, 1823-1825; had been appointed to fill a vacancy in the United States Senate in 1825; and had been defeated by Reed in the election to fill the remainder of the unexpired term. He resigned from the Senate in 1832 and was, successively, United States district judge for Mississippi (1832-1836), Chargé d’Affaires to Mexico (1836), and Minister to Mexico (1839-1842).

To J[ohn] W. Taylor

Dear Sir

Washington 7th. Oct. 1826

I thank you, most cordially, for the kind felicitations contained in your obliging letter of the 2d. instant, on the occasion of my return to the City in improved health. I shall omit no precaution to preserve it, according to the wishes of my friends; but the duties of my office are very severe, and I was greatly disappointed at the last Session, in not obtaining the assistants who are indispensably [sic] necessary to my satisfactory fulfillment of them. I hope, in that respect, for a better result at the next Session.1

We are in great spirits here in regard to public affairs.2 The issue of the Balto. election, and that of the elections generally in Maryland is encouraging. Our friends in New Jersey are very confident of success there, and its importance cannot be too much exaggerated. We should be much mortified if the Administration lost ground in N. York, and especially if you should lose your election. I hope, and have strong assurances from others, that you are in no danger. Prospects are good in the West. The only events there to be regretted are the loss of Cook and Scott’s election; but neither happened on any ground of opposition to the Administration, as I have every reason to believe. I am Yr’s, with high regard

J. W. Taylor Esqr.: H. CLAY
ALS. NHi.

1 See above, Clay to McLane, January 14, 1826, and note: Clay to Brown, January 30, 1826, note; Clay to Webster, February 16, 1826, and note.
2 Cf. above, Clay to Hammond, this date.
3 Daniel P. Cook: John Scott.

From Robert Scott

Dear Sir, Lexington 7th. Octr. 1826

Herewith, please receive Statements of the account of Colo. Morrison's estate with you and of yours with me, to the 1st. inst. 1 — On the 3rd. inst. I paid J H Morton 600$ the 6 Ms. interest due the T. 2 University on 1st. inst. — consequently have paid something more than the estate has funds on hand —

As your situation in public affairs necessarily involves you in a press of business of one kind or other, I beg leave again to remind you that Patents have not yet been obtained for the Hanley farm 3 nor the Cooper improvement in Missouri 4 — The first has been conveyed to J. M. Morrison and the other to J M Holmes. 5 The deeds for the Hanley tract were put up in a packet of papers handed you in Nov. 1823 when about sitting [sic] out for Washington 6 and Tanners deed for the Cooper improvement was enclosed to you in Octr. 1825 7 — In the packet referred to, were some Accounts and notes which I imagine have not been collected, as you have not made any mention of them in your accounts or letters,— And altho' not of magnitude in amount, yet they are worth attending to— Amongst them is one of Mrs Kemp  8 — of Richmd. Va. which I have since discovered has been paid— As I made several mems. of matters which I supposed should be attended to in Washington, I will thank you to refer to the paket [sic] handed you in 1823—

In Colo. Morrison's life time, he received some money of Mr. Nourse of the Registers Office, for Dividends on U S Stock. Whether Mr. Nourse had possession of the Certificates or not, I do not know— It may be that I have mentioned this to you before, but if not, perhaps it might be well to enquire of Mr. Nourse 9 —

Mrs. Morrison and Miss Edmiston have recd. your orders on Mr. Harper, in lieu of the checks you gave on the Coms. B. Bank by mistake, and have handed me the checks, which are herewith 10 — they had not been presented at Bank—

We are all well — very respectfully Your obt. Servt.
The Honble Henry Clay

ROBT. SCOTT

ALS. KyLxT.

1 The quarterly accounts are located in KyLxT and incorporated in the annual statements below, July 16, 1827. 2 Transylvania.
3 Four hundred arpents on the Missouri River bought by James Morrison in 1817 from Thomas Hanley, an Irishman, who had opened a general merchandise store in St. Louis the previous year. 4 Cf. above, III, 531, 532n.
5 The conveyances have not been found.
From J[osephus] B. Stuart

My dear Sir. New York 7th. October, 1826

[Recommends Ambrose Spencer to succeed Judge (William P.) Van Ness.]

The Bucktails (alias Crawford men) have nominated a Clay Man, Rochester for Governor & Pitcher¹ another Clay Man for Lt. Governor; thus you see if we dont return dust to dust, we have to stick to our Clay.— Genl. Porter² is here & expects to see you here about [sic] three days: he is sanguine in favor of Rochester, but I now tell you Clinton will succeed.³ Yours as ever, J. B. STUART

H. Clay

[Marginal note]

P. S. Wrote in court—excuse stile & errors.


¹ Nathaniel Pitcher was elected Lieutenant Governor. Born in Connecticut, he had moved to Washington County, New York, become a lawyer, held several local offices, been a member of the State Assembly, and served two terms in Congress (1819-1823). Upon the death of Clinton, February 11, 1828, Pitcher became Governor. He was again a member of Congress from 1831 to 1833.

² Peter B. Porter.

³ On Clinton’s election, see below, Stuart to Clay, November 9, 1826.

MISCELLANEOUS LETTERS October 7, 1826

From John Adams (Jr.), Boston. Transmits, “By direction of the President . . . with notice of his approval,” Clay’s letter to (Charles R.) Vaughan (below, October 11, 1826); states that the President left Boston “this morning” to return to Washington “& proposes to be at home by the 18th. inst.” ALS. DNA, RG59, Misc. Letters (M179, R64).

From William Ironside, New York. Encloses two clippings from the New York Evening Post, one, critical of the “unreasonable delay in filling the vacancy” occasioned by the death of Judge (William P.) Van Ness, and the other, his own reply, in the form of a letter to the editor, asserting that this criticism is baseless. ALS. Ibid. Ironside, “Deputy Clerk of the Southern District of New York,” has not been further identified. On the appointment to the vacancy, see below, Porter to Clay, October 8, 1826, note.

APPLICATIONS, RECOMMENDATIONS

October 7, 1826

ELON FARNSWORTH, Detroit, solicits appointment as United States attorney in Michigan; claims to have been "partner of Mr. [Andrew G.] Whitney in his professional business." ALS. DNA, RG59, A. and R. (MR2). Born in Woodstock, Vermont, Farnsworth had read law and entered practice after coming to Detroit in 1822. He became a member of the Territorial Legislative Council for 1834-1835, chancellor of the State from 1837 to 1842, and attorney general from 1843 to 1845. He was also a director of the Michigan Central Railroad for twenty years and, from 1849 to 1877, president of the Detroit Savings Bank. On the appointment here requested, cf. above, Hunt to Clay, October 6, 1826, note.


JOHN McDONELL, Detroit, solicits appointment as a member of the Legislative Council of Michigan, to fill the seat made vacant by the death of (Andrew G.) Whitney. LS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 996. McDonell received the appointment in January, 1827, by virtue of his standing as next in the order of voting at the last election. Ibid., 997-98. He remained a member of the council throughout the territorial period of Michigan, became a leader in the constitutional convention of 1835, and from 1838 to 1845 held office as collector of customs and inspector of revenue at Detroit.

HENRY STANTON and EDWARD BROOKS, Detroit, recommend Elon Farnsworth as United States attorney for the Michigan District. LS. DNA, RG59, A. and R. (MR2). Stanton, born in Vermont, had entered the Army in 1813 and had been stationed at Detroit as least as early as 1819. He remained on active duty until his death in 1856, when he held the brevet rank of brigadier general for distinguished service in the Mexican War. Brooks, who had settled at Detroit around 1820, became a Detroit auctioneer and minor office holder.

WILLIAM THOMPSON, chief justice of county court, AMASA BAGLEY, assistant judge, WILLIAM MORRIS, sheriff, NATHELI MAILARD, judge of probate, and SIDNEY DOLE, county clerk, register of probate, and member of the legislative council, all of Oakland County (Michigan Territory), recommend Daniel LeRoy for appointment as United States attorney in Michigan. LS. Ibid. (MR3). Published in Carter (ed.), Territorial Papers, XI, 996-97. Thompson, Bagley, and Morris had been appointed to these offices in 1820 and retained them for more than a decade. Millard had been appointed in 1823.

To James Brown

My Dear Sir

Washington 8h. Oct. 1826

I regret to communicate to you the death of your brother Dr. Preston Brown. Intelligence has just reached this City (only through the public prints) that he was shot about the 22d. of last month, below Louisville, in an attempt to prevent another person from being shot, and that he expired shortly after. You will no
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doubt receive the particulars more fully through some of your
Kentucky correspondents.

We returned to this place two weeks ago from Kentucky. My
health was a good deal improved by the journey and by the use
of the waters of the Virginia Springs, where I sto pt three weeks. My
reception in Kentucky, and on the journey both in going and
returning was all that I could have wished it to be.

I am afraid you think me an unprofitable correspondent; for I
find your several favors of 23d. May, 12h. and 15h. June 25 July
and 12h. August all remain unacknowledged.2 I have occasion for
all possible indulgence from you and other friends. And when I
do write I am constrained to confine myself to narrative, with
scarcely any speculation. I hope however that you will not interpret
my silence as implying any insensibility to the value of the letters
which you do me the favor to write.

I have not yet been able to command the time necessary to look
into our French affairs and to adapt instructions to their present
condition. I hope to be able to do it before Congress comes upon
our hands.

Mr. Gallatin is at work in England. The order in Council to
put at an end to the admission of our vessels in the British Colonies
met him on his arrival very malapropos.3 His instructions4 were
framed so as to admit of an amicable arrangement of that subject,
if there be a disposition really existing on the other side to adjust
it. And I think other matters of interest, in dispute between the
two Countries, will probably be satisfactorily settled.

The Congress of Panama is transfered [sic] to a village about two
leagues from Mexico. I think our ministers will go to it next month.
No person is yet designated to supply the place of poor Anderson,5
of whose death you will have heard. Entre nous, I think Mr. Mon­
roe6 will be sent, if he will go, as there is some reason to think
him willing to do. If not, Mr. Poinsett may be appointed.7 He
has just sent home a treaty with Mexico,8 which, though it falls
short of my wishes, is acceptable. I do not recollect that I before
told you that I have negotiated here two treaties, one with Denmark
and the other with Guatemala,9 on very liberal principles, both of
which were ratified by our Senate, without any opposition. The
former, we have heard, is ratified by the other party,10 and we expect
soon also to hear of the ratification of the other.11

The elections this fall, upon the whole, are very favorable to the
Administration. Scott and Cook12 both lost theirs, but we have
every reason to believe that it was not upon the ground of their
vote for Mr. Adams. In Missouri indeed a man has been elected13
who voted for Mr Adams. In Balto. and other parts of Maryland
the issue of the elections is very encouraging.14 Without going into
particulars, I entertain no doubt, judging from things as they now appear, that Mr. Adams will be re-elected. And I believe he will continue to gain from this time until the election.

The eldest son of Capt. Nat. Hart died last month. The poor little fellow suffered so much and so long that death was a relief to him as it was to his grandmother and Mrs. Price. The residue of our connexions in and about Lexington were well at my last dates.

Lucretia recd. her sister’s letter, and both of us are very thankful for the small purchases she has made for us. We are in daily expectation of hearing that they have arrived.

The anti-relief party in Kentucky succeeded at the late elections in both houses. I consider the event fortunate for the predominance of good principles, and for myself, as I was of the successful party. Some of the leaders of the other party are desirous of taking up the cause of Jackson but I do not think they can prevail in that State.

Mr. Adams has been three months from the Capital. The death of his father has been the principal cause of it. We expect him next week. The papers will inform you of the sensibility which has been excited by the death of Mess. Adams and Jefferson on the same day, and that day the 4th. of July.

Lucretia unites with me in affectionate remembrance to Mrs. Brown— Yr’s truly
James Brown Esq

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

1 Brown, who had moved to Louisville the previous winter, had been working on a farm which he owned some sixteen miles below the city, along the Ohio River. He had died early on the morning of the twenty-third.

2 The letters cited as June 15 and July 25 were probably those entered above as June 25 and July 26.

3 See above, Gallatin to Clay, August 19, 28, 1826.
4 Above, June 19, 1826.
5 Richard C. Anderson, Jr.
6 James Monroe.
7 See below, Clay to Poinsett, February 28, 1827.
8 See above, Poinsett to Clay, July 12, 1826.
9 Above, April 26, 1826; December 5, 1825.
10 See above, Rainals to Clay, July 29, 1826.
11 See below, Williams to Clay, November 24, 1826.
12 John Scott; Daniel P. Cook.
13 Edward Bates.
14 See above, Clay to Southard, October 1, 1826; Clay to Hammond, October 7, 1826.
15 See above, Clay to Brown, March 22, 1826, note.
16 Susannah Hart; Susannah Price. The boy’s mother, Anna Gist Hart, had died in 1818.
17 Cf. above, Brown to Clay, August 23, 1826.
18 See above, III, 902n.
19 Cf. above, Brent to Clay, July 12, 1826, note.

From Peter B. Porter

Dear Sir,

New York, Sunday Evg Oct. 8th. 1826.

You have probably been surprised to find, by the Papers, that our
friend Rochester is in nomination for Governor of N. York! and that this nomination was conferred on him by the unanimous voice of a State convention composed of men of the first respectability & standing, and embracing every section of the Republican party.  

On the day that his nomination was announced, from the north, he arrived here himself, from the south, & was so fortunate as to meet many of his best friends, & had an opportunity to consult with them as to the course he ought to pursue—about which he entertained, himself, strong doubts. He was fearfull [sic] that his acceptance of the nomination might be deemed unfriendly, or disrespectful to the Administration of the Genl. Government, in as much as he had recently received from them an appointment to an office of a different character; & which must be relinquished in the event of his success in this: and it was only by the advice, & earnest solicitation of his friends (who are no less the friends of the administration) that he finally acceded to the nomination. I write this at his request to say to you that the advice we gave him & to which he reluctantly yielded, was influenced by a firm belief that this course was best calculated to aid & strengthen the administration.

You have long known my opinions of Mr Clinton. His present calculations, if I read him aright, are, to place himself, at present, in a conspicuous light in this state, in the hope that death, or some other fortunate occurrence, may throw Genl. Jackson out of the course & enable him to occupy his place—and this is not an unreasonable calculation considering Genl. J's age & character, & the unstable foundation by which his popularity is sustained [sic]. If he is disappointed in this calculation, he will support the General in opposition to Mr Adams or yourself. Be assured therefore that the Admn has nothing to expect from Mr C. unless it should be so firmly established as to render any attempt to prostrate it, hopeless, in which case, in conformity with his known policy, he will be found on its side.

The Republican strength of this state has for several years past been paralyzed [sic] by differences growing principally out of the last presidential election. Every section of the party feels the inconvenience of this state of things and is desirous of restoring the party to its former integrity—and the nomination of Rochester has been made with an express view to such reunion. He is in some degree a new man,—amiable in manners & respectable in character—and, by keeping more aloof, has not rendered himself obnoxious to the resentments which have been indulged & have not yet entirely subsided, against most of the older & more active politicians. So far as we can now judge his nomination has been well received in every part of the state, & by every section of the party; and we have
great hopes of his success. Even Van Buren (who you know has been attempting to drive a political Bargain with Clinton,\(^4\) & both of whom have, at length, become convinced, that this act of perfidy to their respective friends will not be tolerated) has found it necessary to retrace his steps, \& will give his support to Rochester against Clinton \& Noah\(^5\) must join. If we should not be successful in the election of R. his nomination cannot fail to produce the happiest effects on the election of members of the Legislature.

The President will have a delicate \& difficult duty to perform in the appointment of a District Judge to succeed Judge Van Ness.\(^6\) candidates will be presented to him from every party \& section of party. I shall sign no recommendation for any of them, but I trust I shall be excused for making to you one or two friendly suggestions, which proceed from no other motive than a wish for \([sic]\) to strengthen the Government. At present I will only say that I hope that neither Kent, Colden or Talmage\(^7\) may be appointed, as I am persuaded the selection of either of them would be most unpromising to the Admin. As to the other candidates I am not quite so clear, but my present impression is that the best as well as most popular appointment that could be made would be that of Betts,\(^8\) formerly a member of Congress, \& now one of our State Circuit Judges, \& probably the most able of the eight. It is fortunate that altho' he resides in the district he does not live in the city where there are several candidates \& where the spirit of competition is strongest. I may have time in a few days to write you again \& assign my reasons for this preference.

Genl. Marcy,\(^9\) the Comptroller of our State is now here on his way to Washington where he proposes to spend some days, \& he will have letters of introduction to you from Mr Sanford\(^10\) \& others as well as myself. He is a man of much cleverness, and an active \& indefatigable politician. He is a republican greatly devoted however to Van Buren, but for which he would have gladly supported you at the last election. Altho' he goes to Washington on public business, connected I believe with the finances of the State, his mind I have no doubt will be more intent on the political incidents which may grow out of his visit. I give this information that you may know how to meet him. If V. B. (as may be possible) wishes to make any overtures to you, they will, I think, be conveyed through Genl. M.

Your Son Henry was at my Lodgings this morning with Judge Rochester, in good health \& spirits. I have enjoined it on Judge Rochester as well as him, \& they have agreed, that he shall go as far as Black Rock \& spend a few days with Mrs P. \& Grayson.\(^11\)

Mr Barclay\(^12\) \& I engaged in discussing the subject of the Boundary line, with fair prospects of an amicable \& speedy result \& you
will probably soon receive an official communication from me on the subject. 13

Excuse this hasty scroll [sic], Yours truly & respectfully
Hon. H. Clay.

P. B. Porter

ALS. DLC-HC (DNA, M212, R2). Endorsed on cover by Clay: "Answered."

Answer not found.

1 See above, Rochester to Clay, May 9, 1826, note; Stuart to Clay, October 7, 1826.

2 Cf. above, Clay to Rochester, November 30, 1825; May 22, 30, 1826.

3 DeWitt Clinton.

4 Cf. above, Shaw to Clay, August 27, September 10, 1826.

5 Mordecai M. Noah.

6 William P. Van Ness. Cf. above, Shaw to Clay, September 10, 1826, note.

7 James Kent; Cadwallader D. Colden; James Tallmadge, Jr. Colden, born at Flushing, New York, had been admitted to the bar of New York City in 1791 and had practiced law there and at Poughkeepsie until 1812, when he had become colonel of militia during the War of 1812. He had been district attorney of New York City in 1798 and 1810, mayor from 1818 to 1820, Stare assemblyman in 1818, United States Congressman from 1821 to 1823, and State senator from 1824 to 1827.

8 Samuel R. Betts, whose nomination for the appointment was approved by the Senate on December 21.

9 William L. Marcy.

10 Nathan Sanford. Such letters to Clay regarding Marcy have not been found.

11 Mrs. Porter and her son, John B. Grayson.

12 Anthony Barclay.

13 Cf. below, Porter to Clay, October 16, 18, 1826.

APPLICATIONS, RECOMMENDATIONS [ca. October 8, 1826]

C[HRISTIAN] CLEMENS and R[ANDALL] S. RICE recommend Daniel LeRoy for appointment as district attorney for Michigan Territory. LS. DNA, RG59, A. and R. (MR3). Postmarked at Detroit, October 9. Published, under (received) date of October 25, in Carter (ed.), Territorial Papers, XI, 1009. Clemens signs as “Chief Justice Macomb County Court”; Rice, as “Clk. of the above & Ex. Off. Circt Court.” On the recommended appointment, see above, Hunt to Clay, October 6, 1826, note. Clemens had moved, in 1795, from Pennsylvania to Detroit, where he became a merchant, tanner, farmer, and innkeeper. He was a militia officer and veteran of the War of 1812, held several local offices, and founded the town of Mount Clemens. Rice had held other local offices and, in December, 1826, became postmaster at Mount Clemens.

GIDEON O. WHITTEMORE and eighteen others recommend Daniel LeRoy for appointment as district attorney for Michigan Territory. LS. DNA, RG59, A. and R. (MR3). Postmarked at Detroit, October 18. Published in Carter (ed.), Territorial Papers, XI, 1005. Whittemore, born in Vermont, had settled at Pontiac, Michigan, in 1826 and had begun the practice of law. He had been appointed a justice of the peace soon after his arrival and subsequently became associate judge of Oakland County. From 1846 to 1848 he was secretary of state of Michigan. In 1854 he founded Tawas City in Iosco County and later held office there as probate judge and prosecuting attorney.

To Peter Force

Dear Sir 9h. Oct. 1826.

I am unable to recollect more names of the Commee. of Correspondence of the General Assembly of K. than you have. 1 I believe Mr Breckinridge 2 (now dead) Mr John Green 3 and others were on
the Commee., but I cannot speak with certainty. Those that you have were certainly on it, and they will be sufficient for the present.4 Yr's respectfully  
H CLAY
P. Force Esq.

ALS. DLC-HC (DNA, M212, R2).
1 The committee of correspondence appointed by the Kentucky Legislature to promote Clay’s election to the Presidency in 1824 (see above, III, 823n).
2 Joseph C. Breckinridge.
3 Of Lincoln County.
4 In the Washington Daily National Journal of October 10, 1826, Force published a reply to charges recently made by Duff Green, concerning Clay’s role in preparation of the Kentucky circular which had supported Clay in 1824. For contradiction of the Green statements, Force referred his readers to members of the Kentucky committee of correspondence, whom he listed as including (John) Rowan, (William T.) Barry, (John J.) Crittenden, and (John) Boyle. Cf. below, Crittenden to Clay, November 25, 1826, note.

Check to William Riddall

Pay to William Riddle [sic] or order sixty one dollars and fifty five Cents.
Cashr. of the Off. of Dt. & Dt. Washington1

H CLAY

9h. Oct. 1826

From John Sergeant


We are now upon the eve of battle, and full of confidence. Appearances are quite as favorable as could have been anticipated. There are, nevertheless, some counteracting causes at work, and the whole affair is so complex that we may be disappointed, but still, even in that event, we shall make a good display of force, and form a solid body, united for the future, and destined, I trust, in good time to be triumphant. The tone of Jacksonism is already abated, and tho' there will be some noise to morrow, it will henceforward become less and less. We shall be the gaining party— I hope our friends elsewhere will cheer and support us, whatever may be the issue of to morrow's conflict. Doubtless some errors will be committed. Many more will be imputed, for we have false friends and secret enemies, who, not daring openly to oppose us, employ themselves in criticism and lamentation, as well as gloomy prophecy [sic], which they will do all in their power to bring to pass. It is inconceivable to what lengths an overweening egotism will carry men. The complexity of the case, affords this description of people a convenient shelter for the indulgence of their selfish feelings. The movement was too soon or too late—it interferes with
the regular party operations—it endangers the federal ticket, and a great variety of other things of the same kind, are talked with great gravity by men who are Jacksonites in their hearts and ashamed to say so, as well as by men, who professing to be friends of the administration, have not magnanimity enough to sacrifice a single selfish feeling for its support. They have not the courage nor the capacity to lead, and they are too fastidious to follow. I wish they would go fairly over to the enemy, or, if they prefer it, withdraw entirely from the field. They are too much occupied with themselves to be of use to any one else. Some of them, I verily believe, would be glad to see the Administration prostrated, that they might have the gratification of believing it was for want of their help.

I am writing without reserve, perhaps too warmly. But we have had a great deal in this short contest to try our patience. No matter—we are strong in our cause, which is the cause of the Country, and the good Providence that has overruled so many events for our signal advantage, will not permit us to be subjected to ferocious and oppressive rule, provided we are not wanting to ourselves.

A decided, and some what rough movement was indispensable. It has been made, I believe effectively, I am sure with the best intentions, and not without a full sense of the personal inconvenience it would produce. The only point upon which I feel any anxiety is the one I have before adverted to, namely, that our friends elsewhere shall approve what we have done,

Very respectfully and truly Yrs. 

JOHN SERGEANT.

P.S. I have kept this letter 'till the election is over. Strange to say, there is a tie.

The votes are,

Sergeant ...................... 1597
Horn ......................... 1597
Kittera (fed.) ................. 1391.

This is a triumph. I congratulate you upon it. A new election must now be held.

11 Octr.

ALS. InU. Cf. above, Sergeant to Clay, September 28, 1826, note.

From S[olomon] Southwick

Dear Sir,

Albany, Oct. 9th: '26

While you were at Lexington I returned you the cover of a letter I had received from you, that you might inspect the seal, which appeared to me to have been violated; But I received no answer, which led me to conclude that the last letter had perhaps been stopped altogether.1 I am not of a suspicious temper, I in fact despise such a temper; but if there be any where in the Post-office
Such meanness as would violate a seal, it ought to be ferretted out, if possible.

I wrote you the other day in behalf of Mr. Shields— I have now to add, that his case is one which demands especially the sympathy of our friends; for it is a solemn fact, that the only reason offered by those who turned him out of the office of Seargent [sic] at Arms to the House of Assembly was, that he had been a decided opponent of Mr. Crawford's election—a sorry argument certainly for depriving an honest old revolutionary veteran of the only pittance that Sustained him. Permit me to hope, Sir, that if it can be done with consistency, as I presume it can, this good old man may owe to your interference his restoration to the pension list.

I would thank you, if handy, to send me Mr. Adams's Message on the subject of Internal Improvements— I have it not—and perhaps you can find me a copy with less inconvenience than it will cost me to come at it here as I must apply to the files of the old established papers. I remain, D Sir, Very sincerely & respectfully Yours,

Hon. Henry Clay.

S. Southwick.

ALS. DNA, RG59, A. and R. (MR3).

1 Neither letter has been found.

2 The letter has not been found. It probably concerned Daniel Shields, a native of Scotland, who had enlisted as a drummer in 1780 and served through the action at Yorktown. He had been placed on the pension roll in 1818, was restored to the roll in 1828, and died at Albany in 1835.

3 See above, Clay to Stuart, December 1, 1825, note.

4 The Albany Argus, Albany Gazette, or New York Statesman.

To Charles McAlester, Philadelphia. Acknowledges receipt of his letter of June 24; expresses regret that the expectations of (Richard C.) Anderson (Jr.) in this connection have not yet been realized; assures him "that the efforts of this Department shall be continued to procure satisfactory adjustment of this unpleasant affair"; encloses extracts from letters received from Anderson (above, September 19, 1825) and Watts (above, November 28, December 5, 1825) and copies of correspondence between Watts and (Joseph R.) Revenga. Copy, DNA, RG59, Dom. Letters, vol. 21, p. 397 (M40, R19). Letter is addressed to "McAllister."


APPLICATIONS, RECOMMENDATIONS October 9, 1826

Solomon Sibley, Detroit, recommends H. Chipman to fill the post of district attorney of Michigan Territory. ALS. DNA, RG59, A. and R. (MR1). Pub-
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lished in Carter (ed.), Territorial Papers, XI, 1000. Sibley, judge of the Supreme Court of Michigan Territory (1824-1827), had been born in Massachusetts, had practiced law briefly in Ohio before moving to Detroit, in 1797, had held several local and Territorial offices, and had served in Congress from 1820 to 1823.

On the recommended appointment, cf. above, Hunt to Clay, October 6, 1826, note. Henry C. Chipman, born in Vermont and graduated from Middlebury College in 1803, had begun practice of law in South Carolina but had moved to Detroit in 1823. He was chief justice of Wayne County court from December, 1825, until November 27, 1826, and a judge of the Supreme Court of Michigan Territory from December, 1827, until February, 1832.


To P[eter] B. Porter

My Dear Sir (Private) Washn. 10h. Oct. 1826

A letter which I recd. yesterday from N. York informed me of your arrival there.¹ I prepared and transmitted to the President some days ago a letter of instructions to you,² in regard to the matter of boundary, and in answer to your letters of June and August.³ If it meets his approbation (of which I have not yet heard) you will receive it.

The unexpected protraction of Mr. Adams’ absence from this City disappoints me, in respect to my visit to N. York. I regret it very much, as I greatly desired to see yourself and other friends there. What will Rochester do with his nomination?⁴ I was much gratified to learn from him that he thought there was not the smallest doubt of some person, friendly to the Administration, being sent in place of Mr. Van Buren.⁵

Let me hear from you at your leisure. Yr’s Cordially H. CLAY

Genl. P. B. Porter.

ALS. NBuHi. ¹ Above, Stuart to Clay, October 7, 1826. ² See above, Clay to Adams and Clay to Porter, both dated September 25, 1826. ³ Above, August 28, 1826. No letter of June has been found. ⁴ See above, Porter to Clay, October 8, 1826. ⁵ The communication containing this statement has not been found. Cf. above, Clay to Porter. June 22, 1826, note.

DIPLOMATIC NOTES

October 10, 1826

From HILARIO DE RIVAS Y SALMON, Philadelphia. Presents a claim against the United States Government for $35,000, plus costs and damages, on behalf of
the owners of the Spanish brig Sereno, which in 1816 had been captured and brought to Baltimore by a privateer; claimed by the Spanish vice consul, Pablo Chacon, on the ground that the privateer had been built, owned, and manned by United States citizens; and sold on orders of the judge who presided over the subsequent trial. Explains that the judge, instead of placing the proceeds of the sale in a bank, permitted the captors to have the sum, under bond, and that, after the proprietors of the Sereno successfully pushed their case through the courts, failures of securities and the owner of the privateer prevented recovery of the money. LS. DNA, RG59, Notes from Spanish Legation, vol. 9 (M59, R-T12).

INSTRUCTIONS AND DISPATCHES October 10, 1826


MISCELLANEOUS LETTERS October 10, 1826

To Asher Robbins, Newport, Rhode Island. Acknowledges receipt of his letter of September 22 (i.e., 28); states that a search of the files has not revealed the document to which he refers; asks whether the name of the complainant can be furnished to aid further search. Adds: "I return you my thanks for your kind congratulations concerning my health. . . ." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 398 (M40, R19).

From Lewis Condict, Morristown, New Jersey. States that "Jacob Arnold, an active & zealous whig in Revolutionary times, had a valuable colored man & his wife, then slaves, who went to the enemy, then in possession of N. York"; that the slaves were sent to Nova Scotia; and that Arnold has not applied for compensation for this loss. Asks "what chance" Arnold has "for relief, & his mode of applying. . . ." ALS. DNA, RG59, Misc. Letters (M179, R64). Arnold had been proprietor of a Morristown tavern which, from January to May, 1777, had served as headquarters for George Washington.

From James D. Doty, "Munnómonée, Green Bay Township" (Michigan Territory). Requests the opinion of the Attorney General (William Wirt) as to "Whether an Indian is punishable for the murder of another Indian, by the Laws of the United States or of this Territory, when such murder is committed within the Indian Country, at a place where the Indian title has not been extinguished"; asks "whether the Government is aware that it has no legal officer to prosecute for offences committed in the Northern [sic] part of this Territory—as the District Attorney [Andrew G. Whitney] declines attending any other court than that which is held at Detroit?" ALS. Ibid. Doty, born in New York, had as a young man begun the practice of law at Detroit. He had held minor offices in Michigan Territory and was United States judge for Northern Michigan, 1823-1832. Subsequently he became Territorial delegate for Wisconsin, 1839-1841; Governor of the latter Territory, 1841-1844; Representative in Congress, 1844-1853; Superintendent of Indian Affairs for the Territory of Utah in 1861; and Governor of Utah Territory, 1863-1865.
John Biddle, Detroit, recommends Daniel LeRoy for appointment as United States attorney in Michigan. ALS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 999. Biddle, register of the land office for the Territory of Michigan (1823-1836), had been born in Pennsylvania, had attended Princeton College, had been an officer in the War of 1812, had served as assistant inspector general of the army, 1817-1821, and had been appointed Indian agent at Green Bay in 1821. He was mayor of Detroit, 1827-1828; delegate to Congress from Michigan, 1829-1831; president of the Michigan constitutional convention, 1835; and speaker of the State House of Representatives, 1841. On the recommended appointment, see above, Hunt to Clay, October 6, 1826, note.

[Thomas P.] Green and [William] Johnson, Jackson, Missouri, state that they have completed publication of the laws in the (Jackson) Independent Patriot, transferred to them by James Russell, and that they "hope to receive the appointment for the ensuing year." ALS. DNA, RG59, P. and D. of L. Cf. above, Russell, Green, and Johnson to Clay, May 15, 1826. The contract was renewed.

O[rigen] D. Richardson and others, Detroit, recommend Daniel LeRoy for appointment as United States attorney in Michigan. ALS by Charles Larned, signed also by Richardson and seven other Michigan lawyers. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 998. Richardson had moved from Vermont to Pontiac, Michigan Territory, earlier in this year. He was a member of the Territorial and State houses of representatives, 1835, 1836, and 1841, and was Lieutenant Governor of the State from 1842 to 1846. In 1854 he moved to Omaha, Nebraska Territory, where he became a member of the legislature and of a commission to codify the laws.

Larned, born in Massachusetts, had been graduated from Williams College in 1806 and had gone to Kentucky, where, reportedly, he had studied law with Clay. After the War of 1812, in which he had served as an officer, he had settled at Detroit to practice law. He had served as attorney general of Michigan Territory from 1814 until his resignation in November, 1825.

James Witherell, Detroit, recommends Henry Chipman for appointment as district attorney of Michigan Territory. ALS. DNA, RG59, A. and R. (MR1). Published in Carter (ed.), Territorial Papers, XI, 1000-1001. Witherell was United States judge for the Territory of Michigan, 1808-1828. A native of Massachusetts, he had fought in the Revolutionary War and afterwards had practiced medicine. He had moved in 1788 to Vermont, where he had sat in the house of representatives, 1798-1802; had been county judge; and had been elected to Congress, serving from 1807 to 1808, when he had resigned to accept the appointment as judge. An officer during the War of 1812, he had been made a prisoner upon the American surrender at Detroit. He was secretary of Michigan Territory from 1828 to 1830.

To Peter B. Porter

Dear Sir

I rec'd. to day your obliging favor of the 8h. inst. I had previously written you, a day or two ago, and hope you will have received my letter.1 Rochester has decided right, in accepting the nomination
of him as Governor, for himself, and, as I believe, without prejudice to the Administration. I should be rejoiced at his election, and I hope you may not be disappointed in your anticipations of his success. We both agree as to Mr. Clinton; and should Rochester even fail, the fact of his being so respectably brought forward cannot fail to do him some good, and to chide the presumptuousness of his opponent.

I am aware of the difficulties which the President has to encounter about a district judge, and as yet I am uninformed of his views. How would Mr. Platt answer? Both the Mess. Rochesters strongly recommended him. And I entertain very favorable opinions of him, without any sort of personal acquaintance with him.

Should Henry not stop at West point (which I wish him to do) I shall be glad to hear of his visiting you at Black rock. At all events, I am greatly obliged by your friendly invitation to him. He is very young, a good boy, and free at present from all bad habits.

I thank you for your information about your Comptroller. It will enable me to know how to receive him. With great respect & esteem I am Yr’s Cordially

H Clay
Genl. Porter

ALS. NBuHi.

1 Above, October 10.
2 Cf. above, Shaw to Clay, September 10, 1826, note; Stuart to Clay, October 7, 1826; Porter to Clay, October 8, 1826.
3 Jonas Platt, lawyer, of Utica, New York. He had been county clerk of both Herkimer (1791-1798) and Oneida (1798-1802) Counties, member of the State legislature (1796), Representative in Congress (1799-1801), State senator (1810-1813), and a justice of the State supreme court (1814-1821). He had been prominent as a Federalist and had been seeking the General judicial appointment for over a year. Livermore, Twilight of Federalism, 189.
4 No recommendation from either Nathaniel or William B. Rochester has been found.
5 Apparently young Clay did "stop at West point," where he had been admitted, July 1, 1826, to the United States Military Academy, class of 1831. The Washington Daily National Intelligencer reported, November 22, 1826, that "Mr. Secretary Clay is absent on a visit to West Point, where he has a son at the Military Academy."
6 William L. Marcy.

To Charles R. Vaughan

The Right Honorable C. R. Vaughan, Envoy Exy. and Minister Py. from Great Britain.

Sir, Department of State, Washington, 11 Octr. 1826.

I have received and submitted to the President of the United States the note which you did me the honor, on the 28th. ulto to address to me communicating the substance of a despatch which you had received from the British Secretary of State for Foreign Affairs, in which you were directed to announce the determination of HisBritannic [sic] Majesty’s Government to allow the provisions
OCTOBER 11, 1826

of the Act of Parliament of 1825, regulating the Commerce with British Colonies, to have their course.1

The Government of the United States have ever been anxious that the trade between them and the British Colonies should be placed upon a liberal and equitable basis. There has not been a moment since the adoption of the present Constitution when they were not willing to apply to it the principle of fair reciprocity and equal competition. There has not been a time, during the same period, when they have understood the British Government to be prepared to adopt that principle. When the Convention in 1815 was concluded, the American Government was desirous of extending its principles to the British Possessions in the West-Indies, and on the Continent of North America; but at the instance of the British Government, those possessions were expressly excepted from the operation of the Convention.2 Upon the agreement, in 1818, between the two Powers to prolong the operation of that Convention,3 the British Government had not made up their mind to extend its principles to those Possessions. It would be as painful as unnecessary to enter into a detail of all the counter-vailing Acts of Legislation which, subsequent to that period, were resorted to by the parties, in which the struggle on the side of Great-Britain was to maintain her monopoly, and on that of the United States, to secure an equal participation in the trade, and intercourse between them and the British Colonies. In 1824, a negotiation was again opened between them on this, and other subjects, through Mr. Rush, and Messrs. Huskisson and Canning at London, and a gleam of hope broke out of the reconciliation of the two parties on that long contested matter; but as there were one or two points in relation to it, on which they could not agree, the negotiation was suspended, with an understanding that it should be again renewed, at some early day, after the two Governments had fully deliberated on the questions which prevented an agreement.4 Mr. King was sent to Great-Britain by the United States, as their Plenipotentiary in the Spring of 1825, and but for the state of his health, which compelled his return, and rendered necessary the appointment of a successor, would have entered upon the negotiation.5 In the mean time, in July 1825, the British Parliament passed the Act referred to in your Note; but no copy of that Act has ever at London or at Washington, been officially communicated to the Government of the United States by the British Government, nor has there been communicated to this Government any expectation of His Britannic [sic] Majesty's Government that the negotiation of the intercourse with the British Colonies should be effected by mutual acts of Legislation. The Government of the United States, on the contrary,
has reposed in full confidence, that it was the view and wish of both parties that, on the resumption of the suspended negotiation, that subject should be again taken up and provided for; and, accordingly, Mr. Gallatin has carried with him instructions which we had every reason to hope and believe would enable him to concur with the British Government in an adjustment of it, on terms which would be entirely satisfactory to both parties.  

Judge then, Sir, of the surprize [sic] and regret which the President must have felt on receiving the information conveyed in your Note. If the British Act of Parliament were intended in the nature of a proposition to the Congress of the United States, it should have been officially communicated for their consideration, accompanied by those explanations which the complexity of the British System, and the terms of the Act rendered necessary—explanations the more necessary to a foreign Government. Since the Act has been differently interpreted by British Authorities at different places, and it is believed [sic], at the same place, at different times. If the British Government had recollected that the subject of this intercourse was comprehended in the negotiation which both parties expected shortly to resume, it is difficult to understand on what foundation it should have placed the hope that Congress, on the recommendation of the President, would have abolished the discriminating duties. Supposing the American Government prepared to consent to their abolition, two modes of accomplishing the object, presented themselves—one by Treaty, and the other by Acts of separate Legislation. The two Governments had selected the former as the more eligible, by opening a negotiation of which there was only a temporary suspension. The terms of the British Act of Parliament are general, applying to all foreign Nations; and doubts at one time were entertained here, whether it was intended to apply at all to the United States, or not. If, during the three past years, the alien duties have been levied on British Vessels entering the ports of the United States, during the greater part of the same period, duties professed to be equal and countervailing, but really exceeding them, have been levied on Vessels of the United States in the British Colonial ports. If they have been discontinued, it has been done voluntarily by the British Government. The Government of the United States has not, and would not have complained, during the continuance of their Alien duties, of the imposition of equal duties in the British ports. It is true that the proposal by the British Plenipotentiaries to Mr. Rush, was made about two years ago, and that it has been under consideration of this Government since it was received. Mr. Gallatin is now in full possession of the decision of the President,
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and the causes which have prevented an earlier communication of it are well known to the British Government. But if these causes had not existed, the lapse of time would not be extraordinary, especially when compared with that which had passed between the proposal of the American Government in 1815, and 1824. The Act of Parliament was only passed in July of the last year. The operation commenced in January. It made a very great alteration in the British Colonial system. Its provisions were numerous and complicated. And it referred to other acts also containing numerous provisions, all of which it was necessary to understand. Under these circumstances it could not be deemed unreasonable if the American Government had required some time to ascertain the nature and effect of these changes.

If the President finds in the measure itself which you have announced, just occasion for surprize, the moment which was selected for its promulgation in England, is calculated to augment it. The moment was that of Mr. Gallatin's arrival in England, charged with full powers and instructions to arrange this affair upon the most liberal terms, and such as was confidently believed would be satisfactory to Great Britain. And you have, doubtless, long since communicated to the British Government the substance of conversations with me, in which you were informed that he would take with him instructions, framed in a conciliatory spirit, on all the points embraced in the Negotiation which was commenced in 1824.11

If the President does not require a revocation of that part of the order in Council which prohibits the admission of Vessels of the United States, after certain specified days, into certain British Colonial ports, as a preliminary to all negotiation on the subject, it is because, faithful to the desire which he anxiously entertains of preserving the harmony and amity between the two Countries, he will not follow the unfriendly example which has been exhibited by the British Government. He still cherishes the hope that the discussions between Mr. Gallatin and the British Government will terminate in an adjustment of the Colonial intercourse which may advance the interests of both Countries.

I request that you will accept assurances of my distinguished Consideration.

H. CLAY.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 283-87 (M38, R3). AL draft, in CSmH.

1 Cf. above, Clay to Adams, September 29, 30, 1826.
2 See above, II, 31, 34, 35, 58.
3 See above, II, 611n.
4 See above, Clay to King, May 10, 1825.
5 See above, King to Clay, March 21, 29, 1826.
6 Clay's word, in draft version, was "regulation."
7 This word inserted as a change from the draft version.
From Amos Kendall

FRANKFORT, Oct. 11th, 1826

DEAR SIR:—Yours of the 27th ult. is this moment received, and I thank you most sincerely for the information it contains. No statement of the character mentioned, as having been made in Scott, ever received the slightest color from any declaration of mine. To several who enquired of me relative to the rumors mentioned in a letter written by me to you last year, I have stated the simple facts, and generally added, that I should have accepted the offer, had the salary been $1500. I do not know whether either of the gentlemen named were of that number.

I have not before heard of this report, but shall take prompt measures to put a stop to it. Whatever course I may feel constrained to take in relation to the Administration generally, I trust I shall not be the means or the occasion of casting any imputation upon your integrity or honor.

After a dreadful attack of the flux, which totally disabled me for six weeks, I am barely able to move about and write a little. Your friend, &c.

AMOS KENDALL.

Frankfort Argus of Western America, July 2, 1828.  
1 Not found.

2 County, Kentucky. The statement has not been identified.

3 Above, October 4, 1825.

From Nehemiah Sleeper

Respected Friend Henry Clay Philadelphia 10th Mo 11th 1826

I herewith, present for thy acceptance a specimen of my manufactured folding Umbrella, with the view, that thou mayest test the Utility of it.

With heartfelt gratitude, I retrospect the Providential interference favouring the Efforts of those who have filled the seats similarly situated with thy self in this Dignified nation, who have had the rights of Man at heart, and that through the struggles of War and Peace, You have so far sustained the Character of the world—I only regret the Circumstance of my insufficiency to Convey the views thus delightful, and Extent of thy high and dignified attainments.—

Please accept therefore these feeble marks of my approbation of the propriety which has marked the steps of the Public life, of
one of the Greatest, Wisest, & best of Men, And to whose exertions with others of Our dignified Citizens this Nation is and must ever be indebted for the Liberty we enjoy — " " " "

With a high estimation of thy talents and goodness, with that of thy Inestimable Worth— I am Respectfully thy Fellow Citizen

NEHEMIAH SLEEPER

Henry Clay Secretary of State Washington C.

ALS. DLC-TJC (DNA, M212, R19). Endorsed on cover by Clay: "Answered 21st. Oct. 1826," Sleeper has not been further identified. On November 22 of this year William Sleeper, of Philadelphia, was granted a patent for improvement "in the umbrella and parasol." House Docs., 19 Cong., 2 Sess., no. 27, p. 19.

INSTRUCTIONS AND DISPATCHES October 11, 1826

From Thomas L. L. Brent, Lisbon, no. 32. Reports that most of the representatives of European powers at the Portuguese Court state that they have received instructions merely to observe "the new institutions" in Portugal but, nevertheless, continue in private "to find fault with the constitutional government"; that "relations between Spain and Portugal are still upon a very delicate footing"; and that "the standard of rebellion" has been raised in two Portuguese provinces. ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R-T6). Received December 5. Cf. above, Brent to Clay, August 3, 1826; Brown to Clay, September 12, 1826.

From Robert Monroe Harrison, Antigua. Forwards documents and explains details pertaining to seizure of the brig Neutrality, of Bath (Maine), on October 6, after a custom's official had promised that the inadmissible part of the cargo, rum and provisions, "could be entered for exportation!!!!" ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received November, 1826.

MISCELLANEOUS LETTERS October 11, 1826

To Richard Rush. Inquires whether the discriminating duties "imposed by law on Foreign Vessels arriving in the ports of the United States are collected from British Boats or Vessels employed in the trade with Canada or any of the British North American possessions in the inland Navigation." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 398 (M40, R19).

From William L. Clark, Winchester, Virginia. Forwards statement of a claim, by "Representatives of" his father, John G. Clark, on France and Spain for the capture of a vessel (in 1799). ALS. DNA, RG76, Misc. Claims, France. Cf. above, Lopes Dias to Clay, September 27, 1826. The younger Clark was a lawyer.

APPLICATIONS, RECOMMENDATIONS October 11, 1826

SECRETARY OF STATE

Ovid Miner, Castleton, Vermont, as editor and publisher of the (Castleton) Vermont Statesman, solicits appointment to publish the laws. ALS. DNA, RG59, P. and D. of L. Miner, not further identified, did not receive the desired appointment.

To John Quincy Adams

Dear Sir (Private) Washington 12h. October 1826

Not wishing to lose the good opportunity presented by the intended departure of Mr. Lawrence¹ for England on the 16th. instant, to transmit despatches to Mr. Gallatin, I have sent Mr. Thruston² of the office to N. York, with a trunk, too large for the mail, containing copies of the papers relating to our North Eastern boundary, and a letter to Mr. Gallatin.³ This letter, which is left open for your perusal, relates to the two notes of Mr. Vaughan, one respecting the late order in Council, and the other the St. Petersburg Convention.⁴ It is accompanied by copies of those notes, and of the answers which have been delivered to Mr. Vaughan.⁵ Mr. John Adams informed me of your approval of the draft which was made and transmitted to you of an answer to Mr. Vaughan’s note about the order in council,⁶ but he did not inform me whether the other was approved. Upon consultation with Mess. Rush and Barbour,⁷ I concluded to send it, presuming that if you had seen any thing objectionable in it, you would have signified it to me. I had the less difficulty in taking this course, upon the advice of the above gentlemen, because my note in fact takes no new ground, but aims only to maintain that which had been before assumed. I hope for your approbation in this step, to which I moreover felt urged, by a wish to avoid delay.

If the note to Mr. Gallatin should be approved by you, Mr. Thruston is directed to deliver it to Mr. Lawrence after sealing it. Expecting soon the pleasure of seeing you I remain, the mean time, faithfully Your obedient Servant

H Clay

Mr. Adams.

ALS. MHi-Adams Papers, Letters Received (MR478).
¹ William B. Lawrence. ² Thomas L. Thruston. ³ Below, this date. ⁴ Above, September 28, 20, 1826. ⁵ Above, October 11, 1826; below, this date. ⁶ See above, October 7, 1826. ⁷ Richard Rush; James Barbour.

To Albert Gallatin

No. 9— Albert Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to Great Britain.

Sir. Department of State Washington 12h. October, 1826.

Your dispatches from London, No. 3, 4. and 5. are received.¹
The order in Council excluding, after specified days, all vessels of the U. States from certain enumerated British Colonial ports, has been officially communicated to this Government by Mr. Vaughan, in a note,\(^2\) of which a Copy is now transmitted. You will see the view which has been taken by the President of that unexpected measure, in the answer\(^3\) to that note, of which a Copy is also herewith transmitted. From that you will perceive that the British act of Parliament, passed in July 1825, was never officially communicated to the Government of the United States by that of Great Britain. So confident were we that it was in the contemplation of both parties that the trade and navigation, between the U. States and those Colonies, should be regulated by treaty, that when the act first made its appearance here it was doubted whether it was intended to apply to the U. States. The British authorities at Halifax, in the month of November or December last, announced their intention to close that port against the vessels of the U. States, because their Government had not placed G. Britain upon the footing of the most favored Nation. Had that measure been persisted in, we should have been undeceived as to the purposes of the B. Government. But the order was shortly after revoked, and the port of Halifax remained open to our vessels.\(^4\) All the other Colonial ports, now proposed to be closed, have continued to admit our vessels. This state of things served to strengthen our doubt as to the design of the British Government to extend the act of Parliament to the U. States, and lulled us into security. The repeal of the discriminating duties, proposed in Congress during the last Session, was opposed upon the ground that it was better to settle the question by negotiation, and that both parties were looking to that, as the most eligible mode to settle it.\(^5\) If the British Government had changed their intentions and preferred an arrangement of it by mutual acts of legislation, they ought to have communicated their wish to the Government of the U. States. They can hardly expect that we should take notice of a recent act of Parliament, which however obligatory upon their own subjects, Foreign Governments are not bound to know, unless it be formally communicated to them, or at least until they acquire a knowledge of it, from its practical operation.

The time chosen for issuing the order was certainly not very happy, and was just obnoxious to the observations you made to Mr. Canning:\(^6\)

If we now understand the British Government there can be no difficulty in effecting an arrangement of this question, under the instructions which you carried with you.\(^7\) Under the act of Parliament,\(^8\) and according to the order in Council which has been issued, it would seem that our vessels would be at liberty to
trade from the British Colonial ports with any foreign Country other than Great Britain, in the same manner as British vessels do; and this was the only point on which you anticipated difficulty.\(^9\) We are willing to abolish all discriminating duties and changes whatever, so as to place the vessels of the two Countries in their respective ports upon a footing of exact equality. We yield the point that the British Government may retain the monopoly of the carrying trade between the parent country and her Colonies; but we are not willing that a British vessel should have the advantage of bringing to the ports of the U. States a mixed cargo partly of British commodities and partly colonial, unless our vessels enjoy a like privilege. We wish that our vessels may be allowed to trade between the British Colonies and foreign Countries, other than G. Britain. But if that be objected to, we are willing to limit the vessels of both Countries engaged in the Colonial trade, to the direct intercourse. We do not now controvert the right of the British Government to favor in one British Colony the produce of another British Colony. With these dispositions, on our part, the President anticipates confidently that you will be able to conclude a Convention, and prevent the enforcement of the order in Council. But if he should be disappointed, it is satisfactory to know that the Government of the U. States is not justly chargeable with the consequences. Should the order in Council be enforced, it cannot be doubted that the ports of the U. States will be closed against all British vessels coming from ports at which ours are not admitted; and that they will also be closed against British vessels coming from the British North American ports left open by the order in Council.

I transmit herewith a copy of a communication from the Treasury Department furnishing the information you desire in regard to the discriminating duties, in our intercourse with Canada by inland Navigation.\(^10\)

Mr. Vaughan also addressed a note to this Department, under date the 20th Ulto. of which a Copy is herewith, in regard to the non execution of the St. Petersburg Convention. The answer to it of which a Copy is also transmitted, will put you in possession of the views of the President on the two points to which Mr Vaughan's note refers.\(^11\) These views you will use and strengthen and enforce by such additional observations as may occur to you, in your discussions with the British Government. In regard to the question, relating to Dauphin island, the manner in which that Government expressed itself authorised the supposition that it might labor under a mistake in believing our title to the island to be derived from the Florida treaty of 1819, instead of that of Louisiana of 1803. It was thought therefore expedient to assume
the existence of such a mistake, which would afford to the British Government an opportunity of a decent retreat from untenable ground. The treaty of Ghent renders unnecessary any consideration of the question of our title, the fact of possession, by the terms of the first article, and the reduction of it by the British forces, being sufficient to entitle us, first to its restoration, and secondly to indemnity for the slaves taken away from it.12 After all that has occurred both with Spain and with Great Britain, if the claim to compensation, for those slaves should continue to be resisted upon the ground which has been assumed, there can be no difficulty in comprehending the real motive which actuates the British Government. I am, Sir, Your Obedient Servant. H. CLAY

P. S. Copies of the Books and Papers relating to the North Eastern Boundary of the United States are likewise herewith transmitted by Mr Lawrence,13 agreeably to your Request.14

I.S. NHi-Gallatin Papers (MR13). Copy, in DNA, RG59, Dip. Insr., vol. 11, pp. 163-65 (M77, R6); ALS draft, in DLC-HC (DNA, M212, R7).
1 Above, August 11, 19, 28, 1826. 2 Above, September 28, 1826.
3 Above, Clay to Vaughan, October 11, 1826.
4 See above, Clay to Cambreleng, December 25, 1825; King to Clay, February 4, 1826; Vaughan to Clay, February 18, 1826; Gallatin to Clay, August 19, 1826.
5 Cf. above, Clay to Newton, March 17, 1826.
6 See above, Gallatin to Clay, August 19, 28, 1826.
7 Above, Clay to Gallatin, June 19, 1826.
8 See above, Rush to Secretary of State, March 26, 1825, note.
9 See above, Gallatin to Clay, June 29, 1826.
10 See below, Rush to Clay, this date.
11 Below, Clay to Vaughan, this date.
12 See above, I, 1006; III, 736n.
13 William B. Lawrence.
14 Above, June 19, 1826.

To Charles R. Vaughan

The Rt. Honble C. R. Vaughan,
Envoy Exy. and Minister Pleny. from Great Britain.
Sir, Department of State, Washington, 12th. October 1826.

I have the honor to acknowledge the receipt of your note, under date the 20th. ulto. communicating the view which has been taken by the British Government of some of the leading points of the correspondence, between us, in the month of April last, relating to the execution of the Convention of St. Petersburg, in 1822, for carrying into effect the decision of H. I. Majesty, the late Emperor of Russia.1

The President learns with extreme regret, that the British Government perseveres in its approbation of the refusal of the British Commissioner to refer the controverted question of interest to the arbitration for which the Convention provides, as proposed by the American Commissioner; and that it moreover not only approves of his rejection of the claim to indemnity for the Slaves
taken away from Dauphin island, but sanctions his refusal also to refer to the same arbitration the decision of that claim as was likewise proposed by the American Commissioner. And the President finds himself altogether unable, from the observations contained in your note to reach the conclusions to which the British Government has brought itself. If, as stated, any erroneous construction had been put by him upon the conduct of the British Commissioner, and upon the motives of His Britannic Majesty's Government in approving it, the President would have been happy to have been made sensible of it, and he would instantly have corrected it. It never was contended on our part in the correspondence referred to, that the British Commissioner assumed, in terms, the sole power of deciding cases brought before the Commission, but that such was the effect of his refusal to submit them to arbitration upon the allegation of their not being comprehended within the Convention. And if as has happened, he has refused to refer every case on which he and his colleague have differed to arbitration, and his Government sanctions this non execution of the Convention, the result is not that his sole voice decides all such cases, provided there is acquiescence on one side, it is difficult to understand what is the result.

The British Government now professes to be willing to admit the reference to arbitration of all points which fall within the provision of the Convention, and alleges that the reference is refused, of those proposed to be referred [sic] by the American Commissioner, because they do not fall within that instrument. And it seeks to justify, in respect to the particular question of interest, the refusal to arbitrate it, because it is alleged that interest on money awarded as indemnity, under the Convention, cannot be said to fall within this description, which evidently applies only to such questions as are either specified in the Convention or are essentially part of its stipulations. And it asserts that the question of interest is not specified in the Convention nor is it of the essence of the Convention, to which in fact it is extraneous.

The American Government, no more than that of His Britannic Majesty, desires the reference of any question arising on any point that does not come within the Convention; and it is upon the full conviction that interest is so included that it cannot admit the propriety of the refusal to arbitrate it. It is certain that the subject of interest, eo nomine, is not specified in the Convention; but neither is principal. The Convention was framed to secure the just indemnity awarded by the Imperial decision, but neither that instrument nor the Imperial decision proceeds to what perhaps was considered unnecessary to enumerate the items which should compose that just indemnity. His Imperial Majesty confided, and
no doubt thought he had safely confided, to the justice and intelligence of the representatives of two highly Commercial Nations the ascertainment of the component parts of a just indemnity, for long standing injuries. If a justification for the rejection of one of those component parts is to be found in the omission of the Convention expressly to specify it, the same justification exists for the rejection of every other component part.

It is true that the Commission under the Convention of St. Petersburg was constituted for a specified purpose, which was to give effect to the Imperial decision in favor of the claim of the United States to "a just indemnification for all private property which the British forces may have carried away; and, as the question relates to Slaves more especially, for all the Slaves, that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories." In ascertaining the rights of the United States, and the duties of the Commission we must, therefore, look both to the Imperial decision, and the Convention of St. Petersburg. The decision is the substratum; the Convention is the instrument or means only of effectuating it. And if, as is readily admitted neither party is entitled to exceed the limits which the decision and the convention, its offspring, prescribe, so is neither party authorized to curtail or circumscribe those limits. In determining whether the imputation to the United States of a wish to interpolate a claim totally new, be just or not, there must be a solution of the question of what is a just indemnification, according to the true intent of the Imperial decision? And before the British Government could be justified in making such an imputation, it ought to have been prepared to shew that the sufferers, in the loss of productive property, transported now nearly twelve years ago, in contravention to the provisions of the treaty of Ghent, will have received a just indemnification for these losses by now obtaining the value of their property, at the moment of its illegal transportation, without interest or any compensation in the nature of damages. This has been neither shewn nor can be proved. In lieu of proofs, the British Government contents itself with asserting that the claim of interest was notoriously never in the contemplation of the framers of the Convention. This assertion, whether founded upon their intention, as deducible from the instrument, or extraneous to it, cannot be admitted.

Your note proceeds to allege that the mode of reasoning adopted in those, which I had the honor, to address to you, in April last, would go to bring within the jurisdiction of the Commission, and to subject to reference to decision by a Commission of arbitration, any the most unforeseen and extravagant demand that could be
set up by one party against the other. What part of the reasoning of those Notes deserves to be thus characterized it is not easy to understand. They claimed only the full⁴ execution of the Convention. It was stated in them, and the offer was made to prove whenever the British Government should be willing to enter on the discussion that interest was fairly demandable. And any wish on the part of the Government of the United States was disclaimed to extend the provisions of the Convention beyond its full⁴ import. If indeed any unfounded claim should be preferred [sic] under the Convention by a Citizen of the United States, the British Government has adequate security for its rejection in the integrity and intelligence of the Tribunal which is to pronounce upon it. The probability is much greater of the loss of just demands by the defect of proof from the lapse of time and the difficulty in substantiating them, than that the British Government should be subjected to the payment of any that are unjust.

The doctrines, contained in your Note would tend to withdraw from the jurisdiction of the Commission every claim however just and however manifestly it might fall within the meaning of the Convention. According to these doctrines, whenever the British Commissioner rejects a claim, if he also refuse to refer it to arbitration, there is an end of it. The ready suggestion is always at hand that it does not fall within the terms of the Convention. If as may be asserted, the United States have a security against injustice in the intelligence and uprightness of the British Commissioner, the answer is that, whatever may be the degree of the confidence of their Government in his possession of those qualities, that was not the only security which has been stipulated. It was a security resulting from a Tribunal of two or three, according to contingencies, and not one for which the Convention provides.

The Government of the United States has never objected to the right of each Commissioner judging for himself. What [sic] subjects are and what are not within the competence of the Commission. It has objected only to the assumption of a right, on the part of the British Commissioner, to judge both for himself and for his American Colleague; and to his making his sole decision final and conclusive, without resorting to the arbitrator who was to be called upon "in the event of the two Commissioners not agreeing in any particular case under examination or of their disagreement upon any question which may result from the stipulations of the Convention." With respect to the instance adduced to prove that each Commissioner has exercised the right to refuse a reference to arbitration, it is to be observed, that the proposal of the British Commissioner to refer the question of the propriety of submitting or not submitting to the inspection of the public the list of deported
Slaves was an abstract proposal, there being then no case under examination to which it attached itself. At a subsequent period of the proceedings of the Board, the American Commissioner offered to refer that and every other question on which he and his colleague might disagree, to the arbitration of the Convention. So that, it is perfectly true, that the British Commissioner, has, in every case, in which his colleague has proposed a reference, refused it, whilst that colleague has been ready to cooperate in referring [sic] every question of disagreement that has arisen or may arise between them.

In respect to the question of the Slaves taken away from Dauphin island, it is with unaffected surprize [sic] that the President perceives that the British Government has extended the approbation of the conduct of the British Commissioner to his refusal to refer the disagreement between him and his associate in respect to those Slaves. Had the American Commissioner refused upon the offer of his colleague, to refer the question whether that island was or was not an American possession or a part of the territory of the United States, he would have been as much justified as in refusing to refer a question raised about our title or possession of Tangier island in the Chesapeak [sic] Bay, or any other portion of the acknowledged territory of the United States. The provision of the treaty of Ghent to which the Imperial decision refers is correctly quoted by you. That provision gives to one party the right to demand and makes it the duty of the other to surrender, all territories places and possessions whatsoever, taken during the War. There is no qualification or limitation in respect to title upon which the surrender was to depend. The concurrence of two facts was all that was necessary, first, that it was a territory, place or possession, and 2dly. that it was taken by one party from the other during the War. The usual language employed in stipulations in treaties of peace, founded on the status quo ante bellum, is that the surrender, is that surrender [sic] of territory for which they provide shall be of those places belonging to one party which have been captured by the other during the War. That language is liable to the objection that in executing the stipulation it leaves open to controversy the question whether a particular place, taken during the War, does or does not belong to the party from whom it was taken and who demanded the surrender. It is perfectly well known to the American Negotiators of the treaty of Ghent that the phraseology of the first article of the treaty of Ghent was carefully and expressly arranged to cut off the subsequent controversies about the right of the United States to the territories places and possessions of which it stipulates the surrender. And if it be not competent to effect that purpose, the English language does not supply words which could accomplish it. It is therefore not con-
ceded that the places alluded to can be of course such possessions only, as essentially belonging to, not merely occupied by one party were captured by the other. If the possessions, mentioned in the treaty, are to be expounded as meaning those only to which the party claiming their restoration had a right. [sic] how can Great Britain, after having restored in virtue of that stipulation, the establishment at the mouth of the Columbia River on the Pacific Ocean, now set up any title to it?

It is sufficient, therefore, in vindication of the claim to indemnity for the Slaves taken away from Dauphin island, to shew, without any regard whatever to the title to that island, that it was in the possession of the United States and taken from them during the War; and this is expressly admitted by your Note.

In respect to our title the British Government appears to entertain some misconceptions, about its source, the correction of which it is hoped will lead to the immediate acknowledgment of the validity of the demand to indemnity which they now contest. Our title, then, is not derived as appears to be supposed from the treaty of Washington, concluded with Spain in 1819, but from the treaty with France of the 30th. April 1803. by which Louisiana was ceded to the United States. The limits of Louisiana extended East as far as the River Perdido, between the Bay of Mobile and the Bay of Pensacola, comprehending, of course, the Bay of Mobile with all its waters, islands and dependencies. Dauphin island is situated at the Mouth of the Bay of Mobile. As far back as in February of the year 1804. the Congress of the United States legislated on the subject and authorized the President of the United States to erect the shores, waters and inlets of the Bay and river Mobile, and of the other rivers, creeks inlets and bays, emptying into the gulf of Mexico, east of the river Mobile, and west thereof to the Pascajuola⁶ inclusive, into a separate district for the enforcement of the Revenue laws of the United States. Under this act possession of the Bay of Mobile was taken by the President of the United States, Fort Boyer⁷ was erected at the Mouth of the River Mobile, and Dauphin island was also occupied by the forces of the United States. That fort was reduced and the island taken possession of, by the British Arms during the late war; and both were surrendered to the United States, in virtue of the first article of the treaty of Ghent.

This explanation, which it is hoped cannot fail to prove entirely satisfactory to the British Government, accounts for the expressions referred to by your Note, in the papers of some of the claimants presented to the Board of Commissioners, in which they state, that in going to Pensacola they considered themselves in a Neutral territory and entitled to the protection of the Spanish Government.
October 12, 1826

Pensacola being situated East of the River Perdido, was no part of Louisiana, but belonged to Spain, as a part of Florida, until the Session of it to the United States by the Treaty before mentioned of 1819. To the reasoning of your Note which is founded on the error of which the correction is now made, it is not necessary to reply.

In conclusion, you will perceive, from these views entertained on the two points of which your Note treats, that the Government of the United States believes,

1st. That the interest, which is claimed as a part of the indemnity, to which the Imperial decision extends, is not extraneous to the Convention of 1822, but is essentially comprehended within it; And,

2dly. That both the possession and the right to Dauphin Island were with the United States, that the possession was taken from them by the British forces during the War, and was restored on the return of peace; and consequently that there is no pretext for withholding compensation for those Slaves, which were carried away from it in violation of the treaty of Ghent.

The President indulges, therefore, the hope that the good faith which should ever characterize the fulfillment of all National engagements, will induce the British Government to remove the impediments which have hitherto obstructed the execution of the Convention of St. Petersburg, by directing a reference to the arbitration for which it provides, of all questions on which the two Commissioners have already disagreed or may hereafter disagree.

I avail myself of this occasion to tender you the homage of my high Consideration.

H. CLAY

Copy. DNA, RG19, Notes to Foreign Legations, vol. 3, pp. 287-95 (M38, R3). Cf. above, Clay to Adams, this date; Clay to King, May 10, 1825.

1 Alexander. 2 The word was "our" in Clay's draft.
3 The word was "fair" in Clay's draft.
4 The word was "fair" in Clay's draft.
5 The word was "all" in Clay's draft.
6 "Pascaguola" in Clay's draft; should be, "Pascagoula."
7 Construction of Fort Bowyer had been begun on Mobile Point by General James Wilkinson in April, 1813. On February 11, 1815, the post had been surrendered to the British.
8 Spelled correctly, "cession," in Clay's draft.

From Robert H. Goldsborough

Near Easton E Shore of Maryland Octo. 12h 1826.

My dear Sir,

I had the pleasure some time ago to receive a letter from our worthy Countryman Mr. Jas Browne [sic] and he requested me to forward my letters to your care, assuring me the readiest and safest conveyance; In obeying his wishes I cannot neglect the occasion it presents to me of offering You my respects and good wishes, and I
will ask the favour of You to remember my letter when making up your despatches for Mr Browne.

I hope my dear Sir You have been much benefitted in health by your late western ride and that your spirits were cheered by a universal wellcome [sic] among your old friends. The hospitality You met with at Lewisburg in Virga. and the requital You made for it was one of the happiest efforts we have yet witnessed— it has had great influence in your behalf wherever it has been read. Your observations have been criticised [sic] in the Maryland Gazette I see at Annapolis.2 The criticism is very impotent but the author is very subtle and industrious, and is a sworn friend of the V Presidents3— he is active and makes exertions without limit— I had an interview with him last winter when he approached me to give me a defence of the V Presidt. I gave him my ear, but he never approached me again. I learn lately of some letters he has been writing to my friends.

I find that the public prints have been making some calculations as to the sentiment of Maryland for and agt. the Admn. as discovered by the late elections4—more unfair data to reason on cd. not be assumed, for I can venture to assert that the sentiment of attachment to the admn. had nothing to do with the vote. Less contest in the election for Electors of Senate was never known— an indisposition for contest was universally felt and universally indulged, except in Annaps. where an election scene is one of their few anticipated enjoyments— The selection by the Electoral College was not made with any view to the Admn.— and members of Congress were not chosen because of their being of this or of that side— Indeed the only places I heard of a direct attempt to sustain a candidate upon the ground of his admiration for Genl. Jackson were the places that such attempts failed entirely. The truth is the question of next Presidt. did not occupy the attention of the People, and the opinions of those elected upon that subject are totally unknown to the people at large and were never inquired into by them. That the State is decidedly with the administration through the voice of the People, there cannot be the slightest doubt, and yet a large majority of the Members of Congress elect are agt. it. This is accident— On the E Shore of Maryland we have three members elect, two of whom have been decidedly agt. the present Presidt. whilst the other will be prevented from erring by obedience to the popular voice5— On the Western Shore the difference is as great,6 yet the admn. has nothing to apprehend, as I believe they will all yield to the course of measures pursued— if they think them meritorious they will retire from all opposition. Shd. the negotiation succeed in arranging our trade with the British West Indies so as to obviate the late British order in Council,7 it
will have a great and most wholesome effect in Maryland as well as in all the middle and Breadstuff States. — The extent of our Country whose interest is affected by interuption [sic] in the West India trade is very considerable, and nothing can give the admn. more favour with the people than the preservation and extension of foreign markets for our redundant products, which must be valueless or perish on our hands as the means of consuming them do not exist in our Country.

Public or national topics were never less intermingled in elections than in those recently in Maryland — the people were lifeless upon the subject — the Candidates were alone the active men generally speaking; they had their object in being elected, but they did not presume to intermeddle with national subjects on the occasion — the contest was every way confined to the Candidates.

You may expect another boisterous Session I fear this winter, though the limitation of time will afford some relief. Hoping [sic] that You have, as I believe, but little to fear I offer You my dear Sir the assurance of my highest respect and good Will and am very faithfully Yrs

ROBT. H. GOLDSBOROUGH

The Honble Henry Clay.

ALS. DLC-HC (DNA, M212, R2). Endorsed on verso by Clay: "... Answered." Answer not found. 1 See above, Speech, August 30, 1826.

2 Annapolis Maryland Gazette.

3 Virgil Maxcy, who had been manager of John C. Calhoun's campaign in Maryland in 1828, had opened an attack upon the Adams administration in the summer of 1826. James, Life of Andrew Jackson, 375; Maxcy to Calhoun, April 9, 1829, in J. Franklin Jameson (ed.), Correspondence of John C. Calhoun (American Historical Association, Annual Report, 1899, II; Washington, 1900), 795, 797. Born in Massachusetts and graduated from Brown University, Maxcy had studied law in Baltimore and had become prominent as a member of the bar in Anne Arundel County, Maryland. He had published in 1817 a three-volume compilanion of the Laws of Maryland, had become a member of the State Executive Council in 1815, and later had served in both houses of the Maryland Legislature. From 1830 to 1837 he held office as Solicitor of the Treasury Department and from 1837 to 1842 as United States Chargé d'Affaires at Brussels.

4 Cf. above, Clay to Southard, October 1, 1826; Clay to Hammond, October 7, 1826.

5 Levin Gale, Ephraim K. Wilson, and John Leeds Kerr, the last, an Annapolis lawyer and veteran of the War of 1812, identified as an Adams-Clay supporter during his congressional service from 1825 to 1829 and from 1831 to 1835 and as a member of the United States Senate from 1841 to 1843.

6 The remainder of the delegation was comprised of John Barney, Clement Dorsey, George C. Washington, Peter Little, Michael C. Sprigg, and John C. Weems, the last two of whom were identified as Democrats while Little, a Clay supporter, had, nevertheless, voted for Jackson in the House election of February, 1825. Cf. above, Clay to Southard, October 1, 1826; Clay to Hammond, October 7, 1826; Niles' Weekly Register, XXVII (February 9, 1825), 387; Livermore, Twilight of Federalism, 176, 240.

7 See above, Gallatin to Clay, August 19, 1826.

DIPLOMATIC NOTES

From Christopher Hughes, Brussels. Encloses a report on the American Hotel, which, he states, is in such condition that repairs "would cost more than the House is worth"; notes that "the Lot is a very fine one," well located and valuable. Recommends an early decision "with respect to the property. . . ."


MISCELLANEOUS LETTERS October 12, 1826

To William J. Duane, Philadelphia. Replies, to Duane's letter of October 5, that the French Minister in Washington (Baron Durand de Mareuil) denies having interfered to prevent Joseph Solms from obtaining information. Expresses a belief that a similar answer will come from (James) Brown. Copy.


From Charles H., "Navy Department." States, in reply to Clay's note of September 26 (to Samuel L. Southard), "that the office of Naval Store Keeper at Pensacola is not vacant." DNA, RG59, Exec. Letterbook, 1821-1831, p. 213.

From John I. McCutcheon, Bridgeton, New Jersey. Inquires about his payment for publishing the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, McCutcheon to Clay, August 20, September 4, 1826.

From Richard Rush, "Treasury Department." Encloses, in response to Clay's letter of October 11, a communication from the Comptroller; "giving the information sought." ALS. DNA, RG59, Misc. Letters (M179, R64). The enclosure, a letter from Joseph Anderson to Rush, states that no tonnage duty is exacted on any vessel, American or British, "of 50 tons and under, employed in the trade in question"; while in regard to vessels of greater tonnage, the duty is six cents per ton on those of American ownership and one dollar, including fifty cents "light money," on those owned by British subjects.

APPLICATIONS, RECOMMENDATIONS October 12, 1826


From Daniel Webster

My Dear Sir Boston Oct. 13. 1826

The subject of the recent British Order¹ is exciting some little attention, as you will have observed, in the Commercial Cities, &
there are those, doubtless, would embrace this, as they would any opportunity, to find fault.

Mr Lloyd\textsuperscript{2} has probably written you, in regard to it. He feels more than a common share of interest, on the occasion, as he recommended negotiation, in preference to meeting the English proposition by an Act of Congress.\textsuperscript{3} It may be well, perhaps, that some little statement, \textit{made at Washington}, should appear, for the satisfaction of the public.\textsuperscript{4} I would not intimate that there is, in this part of the Country at least, any dissatisfaction; but I see attempts are making, in N. York & other places, to produce an impression that the National interests have, in this instance, been overlooked.

As to the general course of political affairs, we have nothing of much interest in this quarter. Our elections take place next month. In some Districts there may be personal changes, but nobody will be proposed on the ground of opposition, nor any body chosen who is suspected, on good grounds, of being \textit{inclined to join the opposition}. Some few, perhaps, may be chosen, who profess friendship, & who will yet fly off, on the first, & on every, close question, according to the example of last winter. But on the whole, the great majority, from this quarter, will be well inclined, & steady in their course. The Jackson paper in this City (for we have also a Jackson paper)\textsuperscript{5} seems to occupy itself at present very much with Mr. Everett. Mr Everett however, is likely to be re-elected with great unanimity.\textsuperscript{6} I think, My Dear Sir, without intending a compliment, that your Speech at Lewisburgh\textsuperscript{7} has done real service. It was happy & excellent, even for you, both in matter & manner.

We all rejoice here—I mean all who do not fear that you were born to prevent Genl. J. from being President, in the improvement of your health; & you must allow me to express my most anxious & earnest hope that you will not over-work yourself, the ensuing session & winter. What cannot be done without the sacrifice of your health, must be left undone, at whatever expense or hazard. I have often thought of suggesting to you one practice, if you have not already adopted it, which I have found very useful myself, when my own little affairs have occasionally pressed me; that is, the constant employment of an \textit{Amanuensis}. The difference between writing at the table, & dictating to another, is very great. The first is tedious, exhausting, debilitating labor; the last may be done while you are pacing a large room, & enjoying in that way, the benefit of an erect posture, & a healthy exercise. If I were you I would not touch a pen, except to write my frank. Make the Clerks do all that Clerks can do, & for the rest, dictate to an Amanuensis. I venture to say, that if you once get accustomed to this, you will find your labour greatly lightened.
I have had the pleasure of hearing from several Kentucky & Ohio friends, during the summer; & have had much gratification in learning the favorable state of opinion in those important States. The only incident to be regretted much, in the west, is the loss of Cook’s election. His friends must remember him, & sustain him, in some public Service, according to his merits. I am, Dr. Sir, with unvarying regard & esteem

DANL. WEBSTER


DIPLOMATIC NOTES

October 13, 1826

From Charles R. Vaughan, Washington. Acknowledges receipt of Clay’s note (of October 12) relative to the St. Petersburg Convention; states that he has nothing to add concerning the claim for interest and that he does not “feel ... competent to decide upon the validity of the Claim to Indemnification for Slaves taken from Dauphine [sic] Island”; refuses to acquiesce in Clay’s “declaration, that the doctrines” stated in Vaughan’s note (of September 20) “tend to withdraw from the Jurisdiction [sic] of the Commission any Claim ... because the British Commissioner may refuse to submit it to arbitration”; insists that the American Commissioner has, in one instance, also refused arbitration; and argues that admission of the question of interest “to decision by the Commission would subject equally to their decision any other unforeseen & extravagant demand.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Published in American State Papers, Foreign Relations, VI, 752-53.

INSTRUCTIONS AND DISPATCHES

October 13, 1826

From James Brown, Paris. Reports opinion in Paris “that the British and French Governments have come to the understanding, that in case the Sultan [Mahmud II] refuses to adjust, on equitable conditions,” the dispute with Russia now under discussion, “no objection will be made to the Emperors [Nicholas I’s] taking immediate possession of Wallachia and Moldavia, and compelling Turkey to admit his claims.” Notes the pressure exerted by Russia on Turkey in regard to the negotiation, from which, Brown thinks “Russia will obtain all she demands” (cf. above, Brown to Clay, April 27, 1826, note). Refers to “the unaccountable folly” of the Persian invasion of Russian territory (see above, Middleton to Clay, September 17, 1826, note), the preparation by Russian troops for invasion of Persia, and Britaiia’s apprehensions concerning “her East India possessions.” States that England and France are engaged in efforts to adjust disputes between Spain and Portugal. ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received December 11.
October 13, 1826

To Lewis Condict, Morristown, New Jersey. Advises, in reply to Condict's letter of October 10, that (Jacob) Arnold's prospects are not good, but that, if he wishes, he should make a private claim. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 400 (M40, R19).

Applications, Recommendations

Jonathan N. Bailey, Detroit, recommends Henry S. Cole of Detroit for appointment as United States attorney, Michigan District. ALS. DNA, RG59, A. and R. (MR1). Published in Carter (ed.), Territorial Papers, XI, 1001. Bailey, who had held other local offices, was at this time chief justice of Michilimackinac County. Cole, a native of Canandaigua, New York, had been appointed, earlier in the year, justice of the peace and probate judge for Wayne County, Michigan Territory. On the recommended appointment, cf. above, Hunt to Clay, October 6, 1826, note.

Peter Force, Washington, solicits "the printing of the Laws passed at the 2d. Session of the 19th. Congress, under the same terms upon which it has been done for some years past. . .". ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Davis and Force to Clay, September 21, 1825, note.

French Forrest, Washington, solicits appointment as bearer of dispatches to Europe. ALS. DNA, RG59, A. and R. (MR2). Forrest, born in Maryland, a son of Joseph Forrest, had been appointed a midshipman in 1811, had been commissioned a lieutenant in 1817, and was on leave in 1826. Returning to active naval service, he later participated in the Mexican War and was head of the Washington Navy Yard, 1855-1856. During the Civil War he was an officer in the Confederate Navy.

Instructions and Dispatches

From Beaufort T. Watts, Bogotá, no. 15. Reports "that [José Antonio] Páez and his Counsellors are mostly deserted, not only by the people, but by the army under his command" (cf. above, Litchfield to Clay, May 22, 1826, note); notes some doubts of (Simón) Bolívar's "attachment to Republican principles"; adds that Bolívar is expected to arrive by October 15. ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received December 18.

Miscellaneous Letters


From Robert Mills, Washington. States, at length, his "views, in relation to the projected alterations and improvements of the House of Representatives, with reference to making it a better speaking and hearing room." Refers to a conversation with Clay on the preceding day. ALS. DNA, Misc. Letters (M179, R64). Encloses diagrams showing the alterations he proposes.
Mills, a South Carolinian, was "OUR first native born architect regularly trained for the profession." Fiske Kimball, "Robert Mills: A Foreword," in H. M. Pierce Gallagher, Robert Mills, Architect of the Washington Monument, 1781-1855 (New York, 1935), [ix]. He designed a large number of houses, public buildings, and other structures including the Washington Monument, begun in 1815 and completed in 1829, in Washington, D. C. Not until he entered upon the duties of Architect of Public Buildings in Washington, an office which he held from 1836 to 1851, were steps of a permanent nature taken to improve the acoustical qualities of the hall of the House of Representatives. Cf. below, Strickland to Clay, October 31, 1826; Bulfinch to Clay, November 1, 1826.

From Edward Wiatt, Winchester, Virginia. Refers to recommendations in his favor deposited with Clay "Some time ago" (cf. above, Wiatt to Clay, January 7, 1826); states his decision "to remove to the West, perhaps to Ohio"; requests the return of "the testimonials"; and asks Clay to direct him "to such places as present most inducements to a Young man disposed to make a permanent location." ALS. DNA, RG59, A. and R. (MR4).

To [Peter Force]

Sunday 15th. Oct. [1826]

Mr. C. sends an article for the Journal tomorrow¹. Not having the Danish treaty by him he is not sure that he has stated the exception rightly of the D. East Indies, Greenland and the Ferroe [sic] islands. If he has not he wishes the statement made in that particular correct.

¹ See below, Editorial Article, this date.

AN. DLC-HC (DNA, M212, R1). Addressed by Clay on verso: "Mr. P. Force. Present."

Editorial Article

[October 15, 1826]

TREATY WITH DENMARK.

The Journal contains to-day, a treaty concluded last spring between the United States and Denmark,¹ by Mr. Clay and the Chevalier Pedersen. This is the first treaty which we have ever had with that power, and it is founded on principles of great liberality. Its leading provisions are—

1. The equalization of tonnage duties, leaving to the navigation of the two countries fair competition.

2. A mutual liberty of importation and exportation into and from each country, in the vessels of each of whatever may be lawfully imported or exported, not only from the respective countries, but from all foreign countries whatever, with unimportant exceptions.

3. The reduction of the dues payable by vessels of the United States on the passage of the Sound and the Belts, to the rate of those which are payable by the nation most favored by Denmark.
4. A liberty to the vessels of the United States to trade between the Danish West India Islands, and all foreign countries other than Denmark, in the same manner as Danish vessels are allowed to trade. And

5. The privilege to American citizens to remove their property from the Danish West India Islands, subject to no other taxes or charges than Danish subjects would be liable to pay on the removal of similar property from those islands to Denmark.

The first conforms to the general policy of the United States, which commenced in 1815, and was subsequently extended to several powers.

The second is founded on a new principle, adopted by the present administration, and which obtained at the last session the unanimous concurrence of the Senate. The principle of the act of 1815 limited the foreign vessels of each country to the importation of the productions of that country, and vice versa as to those of the United States. The new principle extends the privilege of mutual importation to the productions of all foreign countries whatever. It will prevent much vexation; and if our vessels can sustain a competition on this more extended scale, there can be no doubt of its beneficial tendency.

The exceptions are of the Danish East India possessions, to which the new principle was not extended, because of a restraint on the Danish Government, growing out of the charter granted to the Danish East India Company, and of the Ferroé [sic] Islands, Iceland, and Greenland, the inhabitants of which are very poor, without subjects of much commerce, and are in a sort of state of pupillage to the Danish Government, in consequence of their imperfect civilization.

By the reduction of the Sound and Belt dues, the commerce of the United States, it is estimated, will save from thirty to forty thousand dollars per annum. The treaty does not recognise expressly the right of Denmark to impose those dues. It operates in the nature of exemption, and places our navigation upon the footing of that of Great Britain and France, and the other nations most favored.

The fourth provision gives us a privilege which no other nation, having colonies, has ever conceded by treaty to the United States.

The fifth provision was anxiously desired by many American citizens owning property in the Danish Islands, particularly in Santa Cruz. They were prevented from the removal of it to the United States without paying taxes, which amounted, in some instances, to twenty-five per cent. These taxes are now abolished.

It is a pleasing circumstance attending this treaty, that it is mutually highly satisfactory to both countries. It is understood
to have been unanimously approved by the Senate; and it has afforded much gratification, we learn, in Denmark. It goes into immediate operation. May it prove as advantageous to the two countries as it is liberal and equitable in its spirit and design.


From Simon Cameron

Hon. H. Clay, Sir  

In accordance with what is believed to be the rule of the Department, I have receipted the above bill; and will thank you to remit the amount so soon as convenient. The price is below our ordinary charges, but having understood that the “Nat. Journal” charges $125, I have made our bill, as you see something less.

Our elections for members of congress have not terminated just as we had reason to anticipate; but much more favorably to the administration than its enemies are willing to admit. In our district, in place of Mr Harris, we send Mr Greene, who is claimd as a Jackson man, but is known to me to have been an original Adams man, and when he shall get to Washington, he will, if nothing else shall govern him, be friendly in order to

county is entitled to the member of congress for two terms. Bradford county, in which Mr MKean and Union county, in which Mr Kremer resides, had each had their regular term, and no one dreamed of their wishing to break the compact. The delegates assembled on the 19th September, only three weeks before the election; and at the first ballot, Mr Stevens, of Susquehanna county was nominated in place of Mr MKean, and Mr Spencer of Tioga in place of Vanhorn, but the lower counties were divided about their candidate. A second ballot, was taken and Stevens was again nominated, in conjunction with Vanhorn, who it was now believed was entitled to a second election, and Spencer received the go-by, the lower townships still wrangling about their candidate. The delegates from Susquehanna county, becoming tired left the room, under the impression that Stephens and Vanhorn were the candidates, but after he had gone out, a friend of Kremers, movd that the proceedings be rescinded, and that MKean, Kremer, and Vanhorn, the olá candidate be again nominated, which, as the delegates were fatigued and anxious to get home, was agreed to, without reflection. The election being so close at hand and the
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District so large that it was impossible to make an opposition, or even make the names of new candidates known over the very large territory that it would have been necessary to travel, or M Kremer and MKean would have been without doubt left at home. I have been through a portion of the district lately, and every respectable man of every political sentiment that I conversed with lamented that their district should be disgraced with a representative such as George Kremen [sic], who at home never goes to bed without having his senses dedend [sic] with the fumes of whiskey. His first nomination, four years ago was got by management, and as evidence of his low standing among them, the people of his own county, gave him only 400 votes out of 3000 which it polls, but his election was made by the distant counties, where he was only known as the candidate placed on the ticket by the democratic delegates. Two years ago he was only elected because it was believed that the candidate would go to the adjoining county this year, [sic] Stephens, who was defrauded out of his nomination is a Jackson man, but of sterling honesty, and would have given every worthy measure of the administration his support. He has since been elected to the legislature.

The election of Mr Sterigere,10 over Mr Markly,11 will, I suppose be claimed as a triumph by some, but in that there was nothing operated to the defeat of Markly but the force of the delegate nomination. Sterigere had been nominated, whether fairly or not, and the democrats consider themselves [sic] bound to support him, and until after his nomination he was never known to be a Jackson man, nor do I now believe he is, but in consequence of the rejoicing of their enemies at his nomination, the friends of the administration [sic] prevailed upon Mr Markly to oppose him, and he, as should have been expected was defeated, although it is admitted by all that he has more personal popularity in the county than the successful candidate.

Rest assured that in Pennsylvania, things look better for the wise course of the administration every day. In Westmoreland county Mr Coulter,12 a federalist has been elected, after having refused to pledge himself. And in Philadelphia Dr Sutherland13 [who seems] still to be your particular friend, has been elected by a very large majority, notwithstanding he was opposed by all the Ingham14 faction. Very respectfully

SIMON CAMERON

I informed Mr Southard,15 when I was in Washington last that Kremer would not go back, I will thank you, therefore to let him see the above; and tell him, if you please, that we should have been much pleased to have seen him here before he left our state, on his return from the lakes to Washington. Many persons here would
have been glad of the opportunity of showing their respect for the faithful manner in which he conducts the important duties which are intrusted to him.

If you wish, I have no objections to having what I have said about Kremer published as an extract from "Northumberland," as it is all true, and nothing but the truth.

ALS. DNA, RG59, P. and D. of L. MS. torn; half of pages 1 and 2 missing.
1 Not found. On October 24 payment was made to Cameron and Krause for $125 for publishing the Santo Domingo notice. House Reports, 20 Cong., 1 Sess., no. 226, p. 56.
3 Robert Harris; Innis Green.
5 Samuel McKean.
6 George Kremer.
7 Philander Stephens, merchant and farmer, had been sheriff of Susquehanna County in 1821 and a member of the State House of Representatives in 1824 and 1825. He served two terms in Congress, from 1829 to 1833.
8 Not further identified.
9 Espy Van Horne, of Williamsport, Pennsylvania, was re-elected for a second term in Congress. He died August 25, 1829.
10 John B. Sterigere, Norristown lawyer, had been a member of the Pennsylvania House of Representatives, 1821-1824. After two terms in Congress (1827-1831), he was a State Senator, 1839, 1843-1846, a delegate to the Democratic National Convention in 1852, and a newspaper editor.
12 Richard Coulter, Greensburg lawyer, had been a member of the State House of Representatives, 1816-1820. He was a member of Congress from 1827 to 1835 and of the Pennsylvania Supreme Court from 1846 until his death, in 1852.
13 Joel B. Sutherland.
15 Samuel L. Southard.
16 No publication has been found.

INSTRUCTIONS AND DISPATCHES October 15, 1826

From Charles W. Dabney, Fayal. Reports another capture by a privateer, which is not American and apparently not the same one that robbed the Superb. ALS. DNA, RG59, Cons. Disp., Fayal, vol. I (M-T203, R-T1).

To Richard Peters, Jr.

Washington 16th, Oct. 1826

Dear Sir

(Private & Confidential)

I have recd. your obliging favor of the 12th inst, and thank you for the interesting information and observations which it contains. I have noticed, with much solicitude, the proceedings in regard to Mr. Sergeant's election; and hope, with you, that the result will have a cheering and animating effect on all parts of the State. It is to be regretted that his entire success was prevented by the causes to which you refer; but I am happy to learn that you think, but for their operation, and on a new experiment, he would obtain 1000 of the votes given to Mr. K. The circumstance which I lament the most is the adherence in Philada., on the part of the Federalists, to their old name & discipline. Why should this be? Do they expect, as a party, ever to regain power? Is it for their interest, now that the causes which produced former divisions have
OCTOBER 16, 1826

ceased, to retain a name which can never benefit them? There are no parties now, in the Union at large, but those of the Administration and the Opposition; and old distinctions [sic] must, in the sequel, be merged in these. The former supports, and the latter is inimical to all those principles of national policy which have been hitherto dear to Pennsa. I have now no apprehensions of the election of Genl. Jackson, even if Pennsa. should support him; but I should nevertheless rejoice to see her, faithful to her own principles, yielding her support to the Administration which upholds them. If the Feds are either neutral or side with Genl. Jackson in your State he will undoubtedly obtain its vote. But it becomes them to consider well whether they can patriotically adopt either of those courses. It would be remarkable to see them lend themselves to the support of an Opposition which mainly counts upon success, in N. York, in New England, in the South and in the West, by endeavoring to revive animosities, divisions and names which belong to past times.

We are sensible here of the unfriendly dispositions of some of the Federal officers at Philada. and else where. The President has been heretofore very unwilling to exercise his dismissing power merely from the fact of the indulgence of individual opinion without some malfeasance. Moderation and forbearance I think was the true policy for him at the commencement of his administration, as it would be throughout, if violence and intemperance should not render a departure, in some instances, necessary. I think it deserves serious consideration, if some examples are not called for in Philada.

I am with high regard Your's faithfully


ALS. PHi-Peters Collection.

1 Not found. 2 See above, Ingersoll to Clay, September 22, 1826. 3 Thomas Kittera.

From J[ohn] Sloane

Dear Sir

Wooster 16th Oct 1826—

The election contest is just over and we are safe. In this district it was warm beyond anything ever known in Ohio. It may in all fairness be said that I have triumphed over Gen Jackson and a host of other generals colonels &ca. The means employed against me, cannot be better described, than by saying they were those of the party to the full extent; from Pittsburgh to St. Louis. My majority was small, only 99, when without the Jackson Spirit it would have been at least 2,000.

From the best information I can get Mr Wright¹ is safe, and
if so the whole of what is called the black list will be re-elected. If I am right in that anticipation, it seals Jacksons defeat in Ohio; and will have its effect in other States.

I am requested by some of our friends at Detroit to ask that the appointment of District Attorney for Michigan may not be made until after the meeting of Congress—

It has been a time of general health in this part of Ohio, which has enabled the contractors on our canal, to proceed with great energy in the completion of their engagements. The next summer we will have at least 60 miles of canal completed; from the Lake to Kindal, 20 miles east of this place— Should you make a tour to the west next summer why not take this region in your way? It would be gratifying to many of your friends here.

With high respect and esteem your friend

J. Sloane

Hon Henry Clay

ALS. DLC-HC (DNA, M212, R2). Endorsed on cover, “Private,” and, by Clay, “Ansd. 29th Oct. 1826.” Answer not found. 1 John C. Wright. 2 See above, Clay to Adams, July 25, 1826, note. 3 Cf. above, Hunt to Clay, October 8, 1826, note. 4 The Ohio and Erie Canal.

INSTRUCTIONS AND DISPATCHES

October 16, 1826

From Alexander H. Everett, Madrid, no. 54. States that (Manuel Gonzáles) Salmón will lay before the Council of Ministers a report on the subject of indemnities and a proposal for a convention, similar in some respects to that submitted to him by Everett (see above, Everett to Clay, December 2, 1825; September 12, 1826); notes “great reason to expect a favorable result”; reports that (Pierre) d’Oubril has told the Spanish Government that the Emperor (Nicholas I) would not become involved in the internal affairs of Portugal and Spain; analyzes the “disorganized state of the administration” of the Spanish Government; and adds that the Portuguese Minister (Vila Real) has not been accepted by the Spanish Government. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received January 11, 1827.

From Albert Gallatin, London, no. 14. Submits a “general outline of European Politics,” providing comments on the relations of Spain and Portugal, the attitudes of the French and British Governments in regard to the dispute of these peninsular states (cf. above, Gallatin to Clay, September 4, 1826), the aim of Nicholas I in pressing his ultimatum upon Turkey (see above, Brown to Clay, April 27, 1826, note), the understanding between Britain and Russia on this matter (see above, Middleton to Clay, May 30, 1826), and the dissatisfaction of France that she was not consulted in the arrangement. Concludes with observations that, despite this evidence of lack of respect for her, the “internal situation” of France “is more prosperous than that of any of the other great European Powers, and that she now governs herself, free from any foreign influence whatever”; that “the reigning Dynasty is for the present secure”; and that “much more importance is ascribed by both sides” to the role of the Jesuits “than in this age it really deserves” (cf. above, Brown to Clay, May 10,
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From Christopher Hughes, Brussels, "Private." Refers again to the dilapidated condition of the American Hotel and advises an early sale of the property; describes the popularity of the King (William I), despite the high taxes levied in the country; notes "all manner of evil stories against Bolivar," circulated by exiles from South America; and refers to the "excitement among the Diplomatists, and politicians in general" caused by "The war between Russia & Persia" (cf. above, Middleton to Clay, September 17, 1826, note). ALS. DNA, RG59, Dip. Disp., Netherlands, vol. 8 (M179, R64). Received December 10.

MISCELLANEOUS LETTERS October 16, 1826

From James Lloyd, Boston. States that, in a report to the last Session of Congress, he had "had especial reference to . . . documents" submitted in confidence to the Senate on January 19, 1825; requests Clay to inform him whether the President will remove the "injunction of secrecy [sic]" thus imposed"; notes that "Without such an authority" he is unable to defend himself against charges brought in the wake of the British order in Council of July 27. ALS. DNA, RG59, Misc. Letters (M179, R64). As chairman of the Senate Committee on Commerce, Lloyd had presented the report discussed above, Gallatin to Clay, August 19, 1826, note. The confidential documents (repeatedly cited, above, Clay to Gallatin, June 19, 1826, notes), reporting the progress of negotiations with the British during the summer of 1824, had not been specifically mentioned in the report of Lloyd's committee. Sen. Docs., 19 Cong., 1 Sess., no. 74.

From Peter B. Porter, New York. Reports that (Anthony) Barclay and he, though concurring "in establishing the greater part of the Boundary required to be run by the 7th. Article of the Treaty of Ghent, have disagreed as to certain portions of it"; expresses surprise and disappointment at this development; professes inability to account for Barclay's "novel" and "utterly untenable" course in any "other way than by supposing . . . that he is acting under specific instructions from his government," based "on ex-parte information, furnished by British Traders and other interested persons in Canada"; suggests that, when the British Government sees the report presented a few days ago by (Joseph) Delafield, it may instruct Barclay to agree to the boundary or to propose postponement; requests instructions in case postponement is requested. LS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI and VII, env. I, folder 1, item 72. Endorsed (AES) by Delafield, who concurs "in the Views" expressed by Porter.

APPLICATIONS, RECOMMENDATIONS October 16, 1826

Alexander Caldwell, Wheeling, recommends the appointment of the (Lewisburg) Palladium (of Virginia) to publish the laws. States that he prefers naming it over the Clarksburg paper (Clarksburg Intelligencer) but that he does not urge a change unless one is otherwise contemplated. ALS. DNA, RG59. P. and D. of L. Cf. below, McRae to Clay, December 8, 1826, note.


Samuel Hodges, Jr., "Consulate, U. States, Cape de Verd Islands Villa da Praya, St. Iago," solicits appointment as consul to the Azores to fill the vacancy created by the death of John B. Dabney, at Fayal; states his intention to return to the United States in April, leaving Ferdinand Gardner in charge of the consulate. IS. DNA, RG59, Cons. Disp., Santiago, vol. 1 (M-T431, R1). Received March 24, 1827. Gardner, in 1837, was appointed consul in the Cape Verde Islands, succeeding William G. Merrill (cf. above, Brent to Clay, July 11, 1825, note), and retained the position until his death in 1848.

William C. Spencer, Centerville, Maryland. Recommends appointment of the Centreville Times, and Eastern Shore Advertiser to publish the laws. ALS. DNA, RG59, P. and D. of L. Spencer not further identified.

J. I. Stull, Georgetown (District of Columbia), introduces W. Bussard, of Georgetown, as "qualified ... to render services to his country." ALS. DNA, RG59, A. and R. (MR1). Stull was, for several years beginning in 1838, a justice of the peace for the County of Washington, D. C. Bussard has not been further identified.

William [M.] Triplett, Carlton Wellborn, Daniel Newnan, Tomlinson Fort, O. H. Kenan, and James Bozeman, Milledgeville, Georgia, recommend the Milledgeville Georgia Statesman, edited by Silas Meacham, to print the laws. IS. DNA, RG59, P. and D. of L. Wellborn was surveyor general of Georgia. Newnan, secretary of state of Georgia, 1825-1827, had been born in North Carolina, had been an officer in the United States Army (1799-1802), and had commanded Georgia volunteers during the War of 1812. He was a member of Congress from 1831 to 1833. Fort, a physician, had served in the War of 1812, was a member of the Georgia Legislature, 1818-1826, and became a member of Congress, for one term, in 1827. He was, later, president of the State Bank of Georgia. Kenan was judge of the Superior Court, and Bozeman was State treasurer of Georgia. Meacham has not been further identified.

Check to William Riddall

Pay to William Riddall or order twenty two dollars and eighty five Cents.

Cashr. of the Off. of Dt. & Dt. Washington

H. Clay

Check to William Riddall

17th. Oct. 1826

Pay to William Riddall or order twenty two dollars and eighty five Cents.

Cashr. of the Off. of Dt. & Dt. Washington

Bill from Harrison Davis

Work on The Factory Building

To Mending 37 brakes [sic] in the flores [sic] occasiond [sic] by run-
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ning bolting Shafts Elevater [sic] &c through some of the brakes large—

work on roof—

work on Stable—

October 17 1826 Harrison Davis

[... ] bord [sic] with Mr. Dunn

ADS. DLC-TJC (DNA, M212, R16). Davis was a brother of James E. Davis.

APPLICATIONS, RECOMMENDATIONS October 17, 1826


INSTRUCTIONS AND DISPATCHES October 18, 1826

From Christopher Hughes, Brussels. Sends a copy of the speech of the King (William I) on opening the States General; notes an outbreak of disease in Holland. ALS. DNA, RG59, Dip. Disp., Netherlands, vol. 8 (M42, R12). Received November 29.

MISCELLANEOUS LETTERS October 18, 1826

To Richard Rush, Secretary of the Treasury. Inquires whether vessels of the Netherlands and other foreign powers enumerated in the act of January 7, 1824, are liable to pay higher fees for pilotage than national vessels. Cites the allegation of the Dutch Minister (above, Huygens to Clay, September 15, 1826) concerning pilotage duties imposed on the brig Mary, Captain James Almeida. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 403 (M40, R19).

From Peter B. Porter, New York. Reports that (Anthony) Barclay, as anticipated, has proposed suspension of the “reports, required in case of difference,” until he has had an opportunity to communicate with his government; requests “the views of the executive” concerning the delay; acknowledges receipt of Clay’s letter of September “26th” (i.e., 25th); notes agreement between himself and Barclay that their “materials are too imperfect to enable” them to decide the line of the 49° parallel and Barclay’s suggestion that their “two astronomers” be sent “again . . . to ascertain, and erect a monument on the 49th. parallel, at the west shore of the Lake of the Woods”; recommends erection of another monument “at the Red River about 80 miles to the West”; and states that he will await the decision of the President in regard to these matters. LS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI and VII, env. 1, folder 1, item 73.
APPLICATIONS, RECOMMENDATIONS

October 18, 1826


SILAS MEACHAM, Milledgeville, Georgia, encloses recommendation (above, Triplett and others to Clay, October 16, 1826) in support of his application that the (Milledgeville) Georgia Statesman be appointed to publish the laws. ALS. DNA. RG59, P. and D. of L.

To Edward Everett


I have recd. your obliging favor of the 12th. inst. 1 I offer you my congratulations on your honorable nomination, and on the bright political prospects on all sides. The New Jersey election is as decisive of Jackson's fate as it is triumphant, in its result, for the Administration. In Maryland our friends had the most encouraging success. 2 Information is just pouring in from Ohio, in respect to their elections, and from what we have recd. and what I know the measure of our hopes will be full. I think we shall have at least ten, perhaps 12, out of the 14 members of the H. friendly to the administration from that State. 3 And I undertake now to express the confident anticipation that Mr. Adams, at the coming election, will receive the votes of as many Western States as he obtained in the H. of R. at the last. Even in the City of Charleston our friends hold up their heads, and have divided the representation in the State legislature. There is a gratification attending these events beyond the present moment and the present parties in the political strife. They demonstrate the capacity of our people for self government, if demonstration were further needed, and shew the predominance of truth, honesty & principle.

Our affairs with England, in respect especially to the West India trade, do not stand as well as I could wish. I wrote to our friend Webster a few days ago, 4 and stated to him that I expected Mr Gallatin would have no difficulty in making a satisfactory arrangement of them. My belief was founded upon the liberality and amplitude of his instructions, and also on the supposition that there existed, on the other side, a sincere desire to accommodate them. I regret that despatches since recd. from our minister 5 exhibit a less friendly spirit in the British Government than I had hoped and believed was cherished. They take the high ground that they will not treat at all on the subject of the Colonial intercourse; that it is one for Legislation exclusively of the parent Country, and not for negotiation; and even intimate that they will not hold
themselves bound, after the interdict of our navigation takes place, to open their Colonial ports to us, on the condition which themselves [sic] have prescribed in their own act of Parliament. I am afraid that we must be compelled to conclude that their old jealousy of us is at work, and that they wish to cripple our navigation, even at the sacrifice of the interests of their Colonies. I will thank you to make this communication to Mr. W. and to Mr. Lloyd,⁶ but that you will all consider it as confidential. We shall take care to keep in good temper and to put them in the wrong, if nothing can be done. In the present state of the question and of the negociation, I do not think any thing could be written for the N. American⁷ with good effect. You could not separate the cog. from the incog. and this latter presents a modification of the whole affair so great, that to treat of the former alone would furnish very imperfect information to the public. I think you had better postpone until the April number the contemplated article; and when I have the pleasure to see you here, I will put you in full possession of the entire subject. In the mean time, it will be well for you to consider thoroughly the act of 1823⁸ (page 29 of Session acts) and the previous acts to which it refers. Since that act, the trade has been open, the British vessels being however liable to pay the alien duties, President Monroe not thinking himself authorized by the state of the British law to issue the proclamation provided for in the third section.

I am perfectly aware of the extent of the circulation & influence of the North American, and, when the time comes, I hope its Editors will feel themselves called upon the vindicate the course of their Government. If the question unhappily should not be settled, it will be the bone of contention at the next Session. I repeat, if it be not adjusted, the fault shall not be ours.

I thank you for the pamphlet on the French claims.⁹ It will instruct and materially aid me.

Mrs. Clay joins me in respectful Compliments to Mrs. E. And I subscribe myself, with great pleasure and sincerity, Cordially Your friend

Edward Everett Esqr.

P.S. Our neighbour and friend Mrs. Johnston has a fine son.¹⁰

ALS. MHi. ¹ Not found.

² See above, Clay to Hammond, October 7, 1826.

³ See above, Clay to Adams, July 25, 1826, note.

⁴ The letter has not been found.

⁵ Above, Gallatin to Clay, September 13 (no. 8), 14, 1826.

⁶ Daniel Webster; James Lloyd. ⁷ North American Review.

⁸ Sec above, III, 729, note 21.

⁹ Two articles published earlier by Everett in the North American Review had been reissued under the title, The Claims of the United States of America on the Governments of Naples, Holland, and France (Cambridge, 1826).
Eliza Sibley Johnston is said to have had only one son, William Stoddard Johnston, who was at this time about ten years old. William Preston Johnston (comp.), *The Johnstons of Salisbury, with a Brief Supplement Concerning the Hancock, Strother and Preston Families* (New Orleans, 1897), 72-73, 155. But cf. Smith, *The First Forty Years of Washington Society*, 206, in which reference appears to the recent birth of a son to Mrs. "Johnson", mistakenly identified, by the editor, as the wife of Richard Mentor Johnson, who was never married. The latter source shortly thereafter (p. 240) specifically alludes to "Mrs. Johnson of Louisiana [sic]," in terms repeating the characteristics noted in the earlier reference. See also John Quincy Adams to George Washington Adams, October 29, 1826 (MHi-Adams Papers, Letters Received (MR478).

**DIPLOMATIC NOTES**

October 19, 1826

To CHARLES R. VAUGHAN. Expresses a hope that "the late arrivals" may enable Vaughan to answer an inquiry, on which he could supply no information during a conversation a few days earlier, "whether, under the Act of Parliament of July 1825. American vessels were allowed to export to Foreign Countries other than the dominions of Great Britain the produce of the B. West India islands in like manner with British Vessels . . . ." Asks, further, "whether according to the British interpretation of that Act of Parliament American Vessels may export to and import from Foreign Countries other than the dominions aforesaid, the produce and manufactures of those Countries and Colonies respectively, in like manner with British Vessels; and also whether all discriminating duties and charges imposed either by the local authorities of the British Colonies or by the British Parliament between Vessels of the United States and British Vessels have been abolished." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 295-96 (M38, R3). ALI draft, in CSmH. Published in *American State Papers, Foreign Relations*, VI, 258. Cf. above, Clay to Gallatin, October 12, 1826; Gallatin to Clay, September 14, 1826, note.

**MISCELLANEOUS LETTERS**

October 19, 1826

From ROBERT BAIRD, "Elizabeth Town N. J." States that "The Rev Mr. Torrey, of the Princeton Theological Seminary," born in Bethany, Wayne County, Pennsylvania, and now twenty-eight years old, wishes to go to Buenos Aires to join (Theophilus) Parvin in teaching and preaching; inquires whether Clay can give Torrey dispatches for (John M.) Forbes; notes that the granting of this request "would be a favour conferred on the friends of Missions" and that he has "long known" Clay's "friendly disposition towards the benevolent & religious institutions of our Country." ALS. DNA, RG59, Misc. Letters (M179, R64).

Baird, a graduate of the Princeton Theological Seminary, was principal of the Princeton Academy (1822-1827). He later served as general agent of the American Sunday School Union, was sent to France in 1834 as emissary of a group seeking to aid French Protestants, and became an advocate of temperance societies. He was author of a book on the Mississippi Valley, another on American temperance societies, and several on religion and travel. His recommendation may have related to the Reverend William Torrey, identified in 1850 as an anti-slavery advocate in the Winchester, Virginia, Presbytery. No record indicating that Torrey sailed as a bearer of dispatches has been found.

From EMANUEL BURCKLE, "by his Atty C[harles] J[acob] Bürcklé," New York. Cites information, just received, that Beaufort T. Watts "has taken possession
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of the property placed by Citizens of this country under the control of the late Mr. Harris E. Fudger . . . for the purpose of remitting the proceeds to the Department of State, to be paid over to the rightful owners.” States that he “sent out to Santa Martha” goods, valued at about $22,000, which were delivered to Fudger, who returned about $6,000. Promises to “forward the necessary proofs whenever they may be required.” ALS (by C. J. Bürcklé). 

Ibid. The Bürcklés, a shipping firm, not further identified.

To Peter B. Porter

My dear Sir (Private) Washn. 20h. Oct. 1826

I hasten to write you one word to undeceive you about Mr. Platt. I had not, nor have I yet, heard one word from the President about him or on the whole subject. My enquiries to you were dictated by the favorable opinion entertained of Mr. P. by the Mess. Rochesters, and in candor I must add by favorable impressions made on my mind in respect to him by others. But no one is yet designated. I will write you again soon. Mean time I am Yr’s faithfy

Genl. Porter

ALS. NBuHi. Addressed to Porter at New York. Cf. above, Clay to Porter, October 11, 1826.

From John Breckinridge

My Dear Sir, Baltimore October 20th. 1826.

It gave me great pleasure to receive your friendly reply to the few lines which I had the honour to address to you, from Hagers-town¹— It would gratify Mrs B.² & myself more than I need express to you, to have it in our power to accept of your own & Mrs Clay’s polite invitation. And should we be permitted to visit the seat of Government this winter, we will so far avail our selves of your kindness, as to claim an occasional hour from your more important avocations—.

As Mrs Clay is kind enough to express some interest in my little family, it will gratify her to learn that we have lately been made the parents of an other little girl³—.

As I am fully persuaded, Dear Sir, of your desire to serve, deserving but indigent young men—I venture to propose to you the following interesting case—

The widow of the late General Winder of this city¹—is in very depressed circumstances—& compelled to keep a boarding-house for the maintenance of her family—. Her second son,⁵ is now with her— & entirely out of employment— He is 18 years of age—very moral—& dignified in his deportment—has excellent talents, & was intended
by his father for the bar.— He was some what advanced in his academical preparations, for this end, when the staff of his family was broken, & he of course, at once withdrawn from all his literary privileges.— His mother has since thought of making a merchant of him— But in the present stagnation of business, no occasion for securing him a situation suitable for this purpose, has offered itself—.

It appeared to me possible, that there might be in the gift of yourself or of some of your friends, in Washington, either now, or some short time hence, some post which would give him a decent support, & afford him some leisure to improve his mind—. An inferior clerkship—or something like it, would not be unsuitable to his habits—; his character would, I should hope, secure him from the dangers, peculiar to such a city, in cases like his—.

We are members of Mrs W's family—& I therefore speak from accurate acquaintance with their circumstances & character.— I will add that I do this, without her suggestion—.

I am persuaded that you will excuse the liberty I take in thus addressing you—especially as it is one of the evidences of my regard— & my respect—; which, however unable to increase your public standing—or private happiness are sincerely felt & pledged,— by your Obliged Fellow Citizen & Obt Servt.  

John Breckinridge,
From Vincent Gray, Havana. Reports that the Intendant General (Francisco Dionísio Vives) has asked him to certify, under his “hand and seal of Office,” the authenticity of letters of credit sent “to the [Spanish] Minister and Consuls at Phila and Boston” for possible use of Commodore LaBorde, whose fleet was dispersed by a storm and who might bring his own vessel into a port of the United States. Notes his gratification at obtaining from the Intendant General “an acknowledgement, never before wrung from him, on any occasion.” States that “The late arrangements relative to the Isle of Pines, as the Deposit in future for Captured Africans [cf. above, Gray to Clay, September 30, 1826] . . . has been abandoned.” LS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Received November 7.

Angel Laborde, a native of Cádiz, had been named in 1825 commander of the Spanish fleet based at Havana and shortly thereafter raised to the rank of brigadier general. He had set out in September, 1826, to cruise in the Gulf of Mexico and to harass the coasts of Costa Firme but had been forced to return to Cuba when a gale dismasted his flagship and two frigates. Niles’ Weekly Register, XXXI (September 23, October 28, 1826), 60, 136. Laborde remained fleet commander at Havana until his death in 1834.

MISCELLANEOUS LETTERS October 20, 1826

To John Boyle, “near Harrodsburg” (Kentucky). Forwards his commission as United States judge for the District of Kentucky. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 405 (M40, R19). On November 12, Boyle acknowledged receipt of the commission. ALS, in DNA, RG59, Acceptances and Comns. (M-T645, R2). The appointment was made during the Senate recess. After Congress reassembled, Boyle was nominated, on December 13, 1826, and confirmed on February 12, 1827.

From Samuel L. Southard, Navy Department. Encloses an extract of a letter from James Biddle, “Commander of the United States Naval forces on the Coasts of Brazil and Buenos Ayres.” LS. DNA, RG59, Misc. Letters (M179, R64). The enclosure reports the seizure, and release, of three American vessels by the blockading squadron in “the River” (Plate).

APPLICATIONS, RECOMMENDATIONS October 20, 1826


To James Brown

Dear Sir

Washn. 21st. Oct. 1826

The Henry has arrived, I understand, at N. York.¹ Mr. Donnell has paid me what you directed.² I have forwarded to you information of the melancholy event of the death of your brother Preston.³
The results of the Elections this fall are very favorable to the Administration, particularly those of N. Jersey and Ohio.\textsuperscript{4} I have no fears as to the future. Honesty truth and principle will triumph over faction.

We have some difficulty with England about the Colonial trade, but we will put her in the wrong, if she persevere in the late order in Council.\textsuperscript{5}

We are well. I hope Mrs. Brown (to whom be pleased kindly to remember us) and yourself are so.

In great haste, but truly Your friend

H Clay

J. Brown Esq

ALS. KyLxT-Haupt Collection.
\textsuperscript{1} Cf. below, Brown to Clay, November 29, 1826.
\textsuperscript{2} Cf. above, Brown to Clay, August 23, 1826.
\textsuperscript{3} See above, Clay to Brown, October 8, 1826.
\textsuperscript{4} See above, Clay to Adams, July 25, 1826, note; Clay to Hammond, October 7, 1826, note.
\textsuperscript{5} See above, Gallatin to Clay, August 19, 1826.

To James Lloyd

My dear Sir (Confidential) Washington 21st. Oct. 1826

I have communicated your wish\textsuperscript{1} to the President that he would consent to your using that part of the confidential communication to the Senate, which relates to the Colonial question, in any publication you might think proper to make. He thinks that, in the present stage of that business, it would be premature to disclose to the public the correspondence with the British Government. I must confess that I concur entirely with him. It is the fate of public men that they must some times bear, for the moment, unmerited censure. In submitting to it, their fortitude is invigorated by the consideration that their momentary suffering is for their Country’s good. In this instance it is gratifying to know that the requisition upon your patience is not one of long duration. In the course of a few weeks the whole matter will be laid before the public.

I had hoped that Mr. Gallatin would have been able, without difficulty, to make a satisfactory arrangement of that perplexing question. His instructions were ample, liberal, and such as we believed would meet the views of the British Government. But they have taken the extraordinary ground that the regulation of their Colonial trade with foreign nations is an affair of their own legislation; that they have accordingly passed the act of 5 July 1825, which contains the only conditions which they have to offer to Foreign powers; and that they will not treat about it. The act has never been officially communicated to this Government, and even the British Minister here is not able to give necessary informa-
tion of the British interpretation of its provisions.\textsuperscript{2} If they adhere to the ground thus assumed, it will probably be for Congress to determine what countervailing [sic] acts we shall pass. You may place, I think, entire reliance on our putting them in in [sic] the wrong, if nothing be effected in London.

You will have remarked that the N. Journal has already stated that, owing to the pendency of negotiations, it would be improper at present to enter upon a consideration of the question, and a defence of our Government.\textsuperscript{3}

I cannot help thinking that the B. Government, when they come to take a review of all circumstances will yet pause before they refuse to listen to Mr. Gallatin, and put their order in Council into operation. I am with great respect Your obedient Servant

James Lloyd Esq.

H. CLAY


\textsuperscript{1} Above, Lloyd to Clay, October 16, 1826.

\textsuperscript{2} See above, Vaughan to Clay, October 20, 1826 (1).

\textsuperscript{3} October 21, 1826.

To [Nehemiah] Sleeper

Washington, Oct. 21, 1826.

Respected Sir.—I received the letter which you did me the favour to address to me on the 10th inst.\textsuperscript{1} together with the folding umbrella which you have had the goodness to present to me. It is a beautiful specimen of that manufacture, combining convenience with elegance, adapting itself to all the circumstances in which one desires the protection which both a walking cane and umbrella can afford. I pray you to accept my hearty thanks for the kind consideration of me which has induced you to send me so precious an article, the value of which is greatly enhanced by the friendly and obliging manner in which it has been bestowed. And allow me to unite the expressions of my gratitude to yours for the success of the best of Governments and for the encouraging advances of the arts, under its fostering care. May they continue to prosper until they shall surpass in perfection those of all other nations! I add assurances of the personal esteem and regard of your faithful and obedient servant.

Jeremiah [sic] Sleeper.

Lexington Kentucky Reporter, November 20, 1826, reprinted from the Philadelphia National Gazette.

\textsuperscript{1} That is, October 11.

\textbf{INSTRUCTIONS AND DISPATCHES}

October 21, 1826

To Albert Gallatin, London, no. 10. Acknowledges receipt of his dispatch no. 9, dated September 13, 1826; states that the President authorizes him to accept
the sum proposed, “if no larger can be obtained”; instructs him not to agree to the proposal, however, “until . . . all reasonable efforts to obtain more favorable terms” have been exhausted; and notes that “it should be made payable in England. . . .” LS. NHi-Gallatin Papers (MR14). ALI draft, in DLC-HC (DNA, M212, R7); copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 166-67 (M77, R6). Published in American State Papers, Foreign Relations, VI, 346.

From Albert Gallatin, London, no. 15. Refers to Canning’s note of September 11, asserting that restrictions on “indirect or circuitous intercourse, in American vessels, between the United States and the British West Indies, had from January last been removed by Great Britain . . .” (see above, Gallatin to Clay, September 14, 1826). States inability to find the act which repealed the restrictions imposed June 28, 1822, or to inquire of Canning until the latter’s return. Suggests that “in any communication which may be made by the President on the subject, such guarded language may be used as will avoid commitment either way.” Acknowledges receipt, on October 13, of Clay’s dispatch no. 6, dated August 8, 1826. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33, pp. 169-70 (M30, R29). Received December 8.

From Henry Middleton, St. Petersburg, no. 66. Encloses a copy of a note from Nesselrode communicating the Russian declaration of war against Persia (cf. above, Middleton to Clay, September 17, 1826, note); predicts that the intrusion of Persia into Russian territory “will cost them dear”; states that the negotiations with Turkey will strengthen the Russian hold on the eastern coast of the Black Sea (see above, Brown to Clay, April 27, 1826; Middleton to Clay, July 12, 1826); and comments on a growing tendency of the government to consider public opinion. ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated 9/21 October 1826. Received December 26.

From [Joel] R. Poinsett, Mexico, no. 60. Encloses a copy of a note which he has addressed to the Mexican Secretary of the Treasury (José Ignacio Esteva) regarding the “detention of the American Brig Delight in the port of Sisal”; states that he has been assured that an order has been dispatched to release the vessel and cargo; and complains that the Mexican Government persists in requiring consular certificates, although they are not authorized by law and have not been announced in the United States. Reports that he has received no answer to his note relative to the Fair American (see above, Clay to Poinsett, March 20, 1826, note), that the treaty with the United States has not been submitted to Congress, and that the Yorkinos (see above, Poinsett to Clay, August 26, 1826) were generally successful in a recent election, although the incumbents in the national legislature have contested the election and refuse to give up their seats. Discusses personalities in a new political party emerging under the leadership of (José Miguel) Ramos Arizpe, who has left the Yorkinos, and (José Mariano) Michelen; notes that the group opposes Esteva, who may be forced to resign. Analyzes the economic status of the Mexican Government and predicts a revolution if the army is not paid. LS, portions in cipher, trans. in State Department file. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received December 24.

For the incident involving the Delight, see below, Russell to Clay, November 6, 1826; on the difficulties concerning consular certificates, cf. above, Borie and Laguerenne to Clay, December 13, 1825; Obregón to Clay, January 4, 1826.

Ramos Arizpe, a native of Mexico, educated in law and theology, had been elected to the Spanish Cortes in 1810, had been imprisoned on political grounds
from 1814 to 1820, and had returned briefly to a seat in the Cortes before being named to a post in the Cathedral of Mexico in 1821. He had been elected to the Mexican Congress the following year, had been one of the framers of the Mexican Constitution of 1824, was a Cabinet member from 1825 to 1828, and later held various diplomatic, ecclesiastical, and political offices.

From Beaufort T. Watts, Bogotá, no. 16. Encloses a document by which “the Authorities and people at Guayaquil . . . in consequence of of [sic] the insurrection in Venezuela [see above, Litchfield to Clay, May 22, 1826, note] . . . have declared [Simón] Bolivar Dictator”; cites a report that Bolivar has disapproved this action; notes that Bolivar is expected by November 1; describes the financial difficulties of the country, which render “Their Marine . . . unable to act” despite the acquisition of two new frigates, built in New York (the Cundinamarca and the Columbia; cf. above, MacPherson to Clay, June 19, 1826); adds, in a postscript, that “the Authorities” at Cartagena have “virtually” declared Bolivar dictator (cf. above, MacPherson to Clay, October 2, 1826). ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received December 18.

MISCELLANEOUS LETTERS October 21, 1826

From Joseph Karrick, Philadelphia. Acknowledges receipt of “Mr. Brants [Daniel Brent’s] Letter of the 25th Ulto.”; notes the location of documents relating to his claim. ALS. DNA, RG76, Misc. Claims, Colombia.

APPLICATIONS, RECOMMENDATIONS October 21, 1826

[John] C. Wright, Steubenville (Ohio), recommends Daniel LeRoy, for appointment as United States attorney for Michigan or, if LeRoy be not appointed, “Col. James Collier, who . . . would fill the office well, & would remove to Detroit.” ALS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 1007. On LeRoy’s appointment, see above, Hunt to Clay, October 6, 1826, note. Collier, a veteran of the War of 1812, was a Steubenville lawyer. In 1849 he became collector of customs for the port of San Francisco; but in the following year, after the district had been changed, he was rejected upon renomination. He died in Steubenville in 1873.

From James Brown

Dear Sir, Paris Oct. 22. 1826

I have not had the pleasure of receiving a line from you since you left Washington, but I learned from the public Journals that you had left Kentucky for Washington and intended to visit the White Sulphur Springs in Virginia on your way. These waters will in all probability be of great use to you if you arrive sufficiently early to have warm weather whilst you are using them. The summer in those elevated positions is very Short and it is, or was, no uncommon occurrence to experience pretty keen frosts there early in September. At all events you will pass through a fine healthy country, and from the combined effect of exercise, air and repose
you will I trust lay in a good stock of health for the next campaign. It will probably be as warm as the last although I cannot imagine what subject will be laid hold of by the opposition as a substitute for the Panama question.² The friends of General Jackson will I am told be exempted from a competition except with the President. It is said here that Calhoun & Clinton will unite their forces with those of the General and that Mr Crawfords friends will belong to the same party. It is to be feared that we shall have but little repose until the next Election has taken place.

Mr Gallatin remained but a very few days at this place³— Mr Canning is yet here but will leave to morrow or the day following. He is thought to have been employed in some important matters since his arrival.⁴ However this may be, I think the Ministry in England will find in the state of their revenue sufficient trouble at home without seeking for it abroad and I still think as I have always thought that the condition of the finances of all the great powers will prevent the possibility of War.

I have been for the third time since my arrival obliged to change my residence. I have had the Hotel of the Minister of Denmark⁵ during the last year he having obtained a Congé for that time. The Hotel or rather portion of a Hotel which I now occupy, is quite respectable but will cost me nearly eighteen thousand francs per Ann. Mr Gallatin complains heavily of the expences [sic] of living in London and I believe will be disposed to return as soon as he can decently do so. And yet I do not believe that the expences of Paris are much below those of London. A house in which a Minister can decently reside in London will cost about £600 Sterg. and I do not think that any Minister in Paris is lodged on terms so moderate. Ministers here are expected to entertain which I am told is not the case to the same extent in London— Our Countrymen who travel for instruction or amusement generally prefer Paris to the British Capital and generally bring letters to their Minister. Do not believe from all this that I wish an increase of Salary which I know would be refused if asked for. I accepted the charge with a full knowledge of the cost, and when I cannot support it I shall ask permission to return.

I do not perceive why any difference should be made in the allowance for office rent &c. &c between this place and London. Mr Sheldon⁶ informs me that the office rent charged in London has been allowed at the rate of about a Guinea per week whilst here we have charged only forty pounds per Annum. He says that there an allowance has been made for fuel and lights which we have never charged and both of which cost nearly twice as much here as there— It is my beleif [sic] that the difference is made also at Madrid. I
intend to submit my next account at the same rates and you can
decide upon them as you please. I find my last was settled and
closed to the 1st. of Decr.

How do you stand with Benton? He was very much your friend
when I left Washington, but was at that time very hostile to General
Jackson. I discover the dislike of Jackson is over, but although he
writes to me very frequently I cannot discover how he stands affected
towards you. Will Randolph be reelected? If the choice is
between him and Giles I do not think the difference very great
as relates to the Administration. The latter would preserve more
decency in debate unless he is greatly changed since he left the
Senate. I am hoping that Livingston has been elected. He will
not oppose the administration on light grounds and he will if he
does oppose it do so in a gentlemanly manner.

I have not heard from Appleton for some weeks. He has directed
his letters to be kept here until he arrives and we have expected
him for some time.

This Government sees with some displeasure that we have nearly
all the carrying trade between the two Countries and although they
may not set aside the Convention they harrass our merchants
as much as they can. I have frequent occasions to apply to them
here to correct the decisions of their Collectors in the different
Portes. This will be the case so long as we have our present
superiority in the carrying trade. Where vessels have engaged to
deliver part of their cargoes at one and part at another port of
France, attempts have been made to collect the Tonnage duties in
both. These attempts have been resisted and on an appeal to this
place have been overruled. I have already given you the decision
of the Treasury here requiring that the voyage should in all cases
be direct in order to entitle the Cargo to the advantage of the
low duties. Another case of the same kind having occurred I
shall again press it and address a letter to Mr de Villèle remonstra-
ting against the decision.

Mrs. Brown is well and joins me in affte. greetings to Mrs. Clay
I am Dear Sir very truly Your friend. James Brown.
Honb. Henry Clay.

ALS. DLC-HC (DNA, M212, R2).
1 Cf. above, Clay to Johnston, August 2, 24, 1826.
2 Cf. above, Clay to Porter, February 22, 1826.
3 Albert Gallatin had been in France for about three weeks between September 23
and October 15.
4 See above, Gallatin to Clay, September 4, 1826, note.
5 Von Jael. 6 Daniel Sheldon. 7 Thomas Hart Benton.
8 Cf. above, Watkins to Clay, September 30, 1826.
9 Cf. above, Gurley to Clay, August 20, 1826.
10 Cf. above, Appleton to Clay, August 30, 1826.
11 See above, Brown to Clay, September 11, 1826.
INSTRUCTIONS AND DISPATCHES  
October 22, 1826

To Condý Raguet, Rio de Janeiro, no. 5. Acknowledges receipt of his dispatches 1 to 13 inclusive; states, "With respect to the enquiry . . . contained in No 13, under date the 21st. August, 1826," that Ministers residing abroad are entitled to receive supplies "for their own consumption, free from duty"; adds, "In regard to the suit against Mess. Birchhead & Co.," that "it does not appear to be proper that there should be any particular interposition of this Government." Instructs him to protest against the admission into Brazilian ports of British and French goods "at a rate of duty lower than that to which those of the United States are subjected"; to point out that Brazilian products receive most-favored-nation treatment in United States ports; to suggest that equity may be granted by "a separate act of that [Brazilian] Government"; or, if "the favor extended to Great Britain or France is the result of a Treaty," to state that the United States is prepared to negotiate in regard to commerce and navigation, either "at the approaching Congress of Tacubaya . . . with . . . other American Powers," or at Rio. Applauds Raguet's "zealous exertions to prevent, in the existing war between the Brazils and Buenos Ayres, an abuse of the law of Blockade." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 167-68 (M77, R6). ALl draft, in DLC-HC (DNA, M212, R7). Extract published in American State Papers, Foreign Relations, VI, 1051.

From James Brown, Paris, "Private." Predicts that, despite the efforts of England and France "to restrain the ambitious views of Russia," the emperor (Nicholas I) "will now inflict no ordinary chastisement on the Persians" (see above, Middleton to Clay, September 17, 1826, note); cites a report that (George) "Canning is anxious to announce at the opening of Parliament" that France has accorded recognition to Mexico and Colombia (cf. above, Brown to Clay, September 23, 1826, note); states his belief "that the allied sovereigns in conjunction with Great Britain" have determined to try to bring the war between Turkey and Greece to an end "by a convention giving to the latter a government of Hospodars similar to that existing in Wallachia and Moldavia"; notes a printed report of "the news of the acceptance [by Turkey] of the Russian ultimation . . ." (cf. above, Brown to Clay, April 27, 1826; below, Moore to Clay, November 18, 1826). ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received November 28.

MISCELLANEOUS LETTERS  
October 22, 1826

To Peter B. Porter, New York. Acknowledges receipt of his letters of October 16 and 18; states that the President "consents to the suspension which is desired by the British Commissioner," to "the further continuation of the Board," and "to . . . adoption of the necessary measures to . . . erect" monuments on the shore of the Lake of the Woods and at the Red River. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 406 (M40, R19).

To [Samuel L.] Southard

23d. Oct. 1826

Mr. and Mrs. Clay request the favor of Mr. Southards Company at dinner on Friday next the 27th. inst. at 5 OClock—An answer is respectfully solicited.
OCTOBER 23, 1826

DIPLOMATIC NOTES October 23, 1826

To CHARLES R. VAUGHAN. Acknowledges receipt of his letter of October 20; asks that an expression of the appreciation of “the American Government” be communicated to Sir James Kempt; states that expense incurred by the British Government “in the transportation of these seamen . . . will be reimbursed, whenever the amount is communicated to this Government.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 296-97 (M38, R3). ALI draft, in CSmH. Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 515-17.

From CHARLES R. VAUGHAN, Washington. Informs Clay of the receipt, from Sir Howard Douglas, Governor of New Brunswick, of “a representation of an outrage, which has been committed off the Port of Eastport in the State of Maine”; encloses a sworn statement “by the Preventive Officer in his Majesty’s Custom House . . . that the British Ship ‘Hero,’ had been seized while taking in a contraband Cargo, and was subsequently rescued by two Boats from Eastport, and carried into that Port”; and expresses “a confident expectation, that . . . measures may be taken . . . to prevent in future the forcible rescue of Vessels when lawfully seized.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). The enclosure, dated June 16, 1826, is signed by “C. H. Jowett Prev. Offr.” On the case of the Hero, cf. below, Shepley to Clay, November 24, 1826.

From CHARLES R. VAUGHAN, Washington. Notes that he has “been instructed by His Majesty’s Government to make a Representation, to the Government of the United States, respecting the Boundary Line, which the Commissioners [Anthony Barclay and Peter B. Porter] under the 6th, and 7th. Articles of the Treaty of Ghent have been employed to trace”; calls attention to a map, enclosed, of the area between Lake Huron and Lake Superior, and to the dispute between the commissioners concerning the choice of three channels and the ownership of two islands; and asserts that “Island No. 2 in the enclosed Map [St. George’s Island (Sugar Island)], and the Eastern Neebish Channel ought to fall into the division to be appropriated to His Majesty.” Proposes “that the Eastern Neebish Channel . . . shall be declared common to the use of both Countries . . . but upon the condition, that the Channel of the River St. Lawrence, South of Barnhart’s Island, shall, at the same time, be open upon the same terms to both Parties.” Encloses maps of the area. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). On Barnhart’s Island, see above, Clay to Gallatin, June 19, 1826, note 45.

INSTRUCTIONS AND DISPATCHES October 23, 1826

To JOHN M. FORBES, Buenos Aires, no. 3. Acknowledges receipt of his “despatches from No 26 [October 26, 1825] to No 35 [May 2, 1826] inclusive”; states that the President approves Forbes’ “early and zealous exertions to prevent any abuse of the Law of Blockade, in the existing War between the Brazils and Buenos Ayres”; instructs him to “continue to urge the observance of” the principles of “the Law of Blockade” and to “keep Mr. [Condy] Raguet well advised of any wrongs experienced by our Commerce and Navigation, which
may appear to require special representations to the Brazilian Government'; expresses regret that, since "Congress has not seen fit to allow a Secretary to a Chargé des affaires," Forbes' expenditure of $500 for a private secretary cannot be sanctioned. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 168-69 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

**MISCELLANEOUS LETTERS**

October 23, 1826

To George Blake, attorney of the United States for the District of Massachusetts. Transmits a copy of a note from (Charles R.) Vaughan (above, October 20, 1826), relating to the case of seamen accused of murdering the captain and mate of the Fairy. Directs him to provide for the security and trial of the "culprits" upon their arrival at Boston and cites "The enormity of the offense with which they are charged, and the necessity of making a signal example of them, if guilty," as stimuli to the "highest exertions . . . of the . . . officers of justice in the conduct of the prosecution." Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 407-408 (M40, R19).

From Richard Rush, Treasury Department. Transmits, in reply to Clay's letter of October 18, a communication from the Comptroller of the Treasury (Joseph Anderson). LS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure Anderson informs Rush that Clay's inquiry "involves a question which, for the first time, has come under the notice of this Department" and that the act to which Clay referred appears to abolish only "duties of impost and tonnage" and to have "no reference whatever to duties or fees for pilotage, the right of regulating these duties, or fees, being conferred, by the 4. Section of the Act of 7 August, 1789 [1 U.S. Stat., 53-54], . . . upon the States, respectively. . . ." He adds that, since Congress has taken no further action on the subject, foreign vessels not protected by treaty are subject to pilotage fees imposed by State laws.

From Samuel Smith, Baltimore. Transmits a letter just received (by William Wilson and Sons) from Lima, where "the excessive duty of 80 Pr Cent fall [sic], principally, on the Articles of the U. States, particularly on our domestic Cottons." Suggests that (James) Cooley be instructed on "this highly important subject" and that the Panama Mission attempt to put "a Stop to this kind of Conduct. . . ." ALS. DNA, RG59, Misc. Letters (M179, R64).

From Deborah S. Warnier, Edenton (North Carolina). Acknowledges Clay's "envelop [sic] Containing a copy of Mr. [James] Brown's dispatch No. 53" (August 10, 1826) and a letter from Brown to her; encloses, for Brown, additional documents pertaining to the claim of her daughters to indemnity for the loss of property in Haiti. ALS. Ibid.

**APPLICATIONS, RECOMMENDATIONS**

October 23, 1826

William Hendricks, Madison (Indiana), again recommends appointment of the Richmond (Indiana) Public Ledger to publish the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, Hendricks to Clay, September 21, 1825.

Thomas L. McKenney, Washington, recommends appointment of either John L. Leib or (Henry S.) Cole as United States attorney in Michigan. LS. DNA,
From Richard Peters, Jr.

Honble Henry Clay

Dr. Sir,

I am much obliged by your letter of the 16th, and I sensibly appreciate the frankness & liberal confidence which is manifested by its contents. Having for many years entertained the views you have exhibited [sic] of the duties and interests of those who formerly composed the Federal party in Penna., and elsewhere; I am gratified exceedingly, to find they have the sanction of your superior judgment. Yet sir I am obliged to admit, that these are not the sentiments of all those who were formerly united with me in political opinions; altho I claim that they are those of a considerable number of them. Private griefs—disappointed [sic] ambition, a conviction that the entire surrender of the name will deprive some of the consequence they still retain as leaders, even of a broken corps, continue to influence many, and prevent their openly maintaining a cause, which upon their own principles they must respect.

Hertofore [sic], also, very considerable obstacles have interposed to prevent members of the federal party from appearing in the field on the side of administration— These were found in the pride of party, and in the influence of those who claim to have been the martyrs to their principles; and more than from all these, there being no standard around which they could assemble with confidence, and upon principles of approved constitutional and general policy. The same difficulties and embarrassments also existed among the democratic party in this state; and the same appearances of opposition to the administration have resulted therefrom, altho a great number of the members of that party are entirely friendly to it— The manifestations of public opinion at our late election authorise [sic] these statements.

But these difficulties will no longer exist. In order to prevent their recurrence, and to enable Penna to be just to herself, the necessity of organization and concert among the friends of the administration has been seen by all, and effective measures have been taken to promote and secure them. The struggle for the election of Mr Sergeant brought gentlemen together who had before been shackled or kept asunder by party arrangments, and it was found by their confidential and open intercourse that they
could be hereafter closely united. Arrangements may be considered as completed, by which an association will be formed to be composed of not more than twenty persons; the object of which is to promote and establish the confidence of the people of the state in those who now conduct the national government— This association has among its members gentlemen of the highest consideration and influence, and who will labour with untiring zeal in the cause they sustain. Without claiming to be comprehended among those who are justly entitled to the commendation I have expressed of them, I have great pleasure in saying I am united with them. I am confident you will receive pleasure from this annunciation of these brightening prospects, which will enable you to hope kindly for the regeneration of the State.

I am entirely sensible of the justice of the principles upon which the President has heretofore acted in relation to those he found in office, when he entered on the duties of his high station; and I most respectfully entreat you to believe, that I did not intend to intimate a wish that any other policy had been adopted— Yet I hold it equally sound in principle and in justice, that office and its influence should never be employed to lessen the confidence of the country in those by whose permission they are enjoyed; and that a decorous respect towards the chief magistrate [sic] of the nation is an essential feature in the conduct of those who, as his agents, assist in the administration of the government. All who are obnoxious to these rules, it would appear to me, forfeit [sic] the protection of the liberal principles you have referred [sic] to—

When incompetency, neglect or delinquency create vacancies, or when they occur from any other causes they may be supplied by men whose principles are well known, and whose high characters are sure pledges of their support of the measures of those who may thus Entrust them. In the present situation of political affairs in Penna, the appointment of a few prominent and decided friends to office would animate and invigorate all the friends of administration and assured of its confidence and approbation, they would go on in their labours to sustain it, with the strongest confidence in ultimate success. Suppose it should be found that age, and an irrecoverable loss of health, which have prevented his attendance at the Custom house for months, not to say that they may have been the causes of the disastrous [sic] losses the revenue has sustained in this City, would make a change in the Collectorship of this port proper; & the Gentleman who is now the naval officer were appointed the successor of general Steel,1 I feel satisfied that the commercial body would universally approve of the selection, and the government would have an active faithful and competent officer and a firm friend— To fill the vacancy thus made, by the selection
of Col. C. C. Biddle for the naval officer, 2 would be equally satisfactory and would have a balmy influence among the friends of the administration here— That Gentleman has talents particularly fitted for such a situation and he possesses the consideration of the whole community.

But sir I must entreat your pardon— In an effort to illustrate a principle, I find I have become particular, and that I have intruded on a ground which I ought not to invade— You however will be assured that if I have trespassed, it has arisen from the warm interest I take in the present situation of affairs, & that I do not intend any want of respect towards you for whom I entertain the highest considerati[on] and the most sincere esteem.

Yours very respectfully  

Rich Peters Jr

ALS. DLC-HC (DNA, M212, R2).

1 William Jones, who had been appointed naval officer for the port of Philadelphia in 1824, was appointed in January, 1827, as collector of customs, district of Philadelphia, to succeed John Steele, who had resigned.

2 Philip S. Markley, rather than Clement C. Biddle, received the appointment.

DIPLOMATIC NOTES  

October 24, 1826

To Charles R. Vaughan. States that, "Having no information whatever in respect to the alleged rescue of ... the Hero," about which Vaughan wrote on the preceding day, Clay has "taken the necessary steps to ascertain the circumstances attending it"; promises that, "If upon investigation they shall be found such as to require the interposition of the Government, it will be promptly afforded." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 297-98 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES  

October 24, 1826

From Robert Monroe Harrison, Antigua. Transmits duplicate of his letter of October 11 and states that the bearer, Captain F. B. Blunt of Alexandria, can give more information on the seizure of the Neutrality. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received October 22. Blunt not further identified.

MISCELLANEOUS LETTERS  

October 24, 1826

To Robert Crittenden, Little Rock (Arkansas Territory). Withdraws authorization (above, September 25) for Crittenden to come to Washington, granted before receipt of his letter of September 15; advises him to send in his account and vouchers; and assures him that Clay is unaware of any opposition to his reappointment. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 410 (M40, R19). Published in Carter (ed.), Territorial Papers, XX, 298-99.

To William B. Rochester. States that the President wishes "the members of the Mission to meet the American Congress at Tacubaya" to be prepared to depart "between the 15th. and 20th. of next month"; instructs him "to be at
New York, Philadelphia or this place... about the first mentioned day..."


From Benjamin Grut, New York. Expresses, on the eve of "departure for Maracaybo," his thanks for Clay's letter (not found) introducing him to (John J.) Astor; offers to forward from Colombia "local or political information" of possible interest to Clay. ALS. DNA, RG59, Misc. Letters (M179, R64). Grut not further identified.

From S[AMUEL] L. S[OUTHARD], Navy Department. Transmits a "copy of a letter dated 17th. June last... from Commo. Isaac Hull..." Copy. DNA, RG45, Exec. Letterbook, 1821-1831, p. 214. The enclosure refers to "the unsettled state of affairs in Chile & Chiloe"; states that "The Government of Chile... have neither Ships or Money... to put down the Rebellion"; and notes that "it is believed by many, an attempt will soon be made to place General [Bernardo] O'Higgins at the head of" that Government (cf. above, Allen to Clay, August 26, 1826). DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS October 24, 1826

Gordon S. Mumford, New York, applies, "In consequence of the decline of Business...[.] for... assistance in obtaining an office"; encloses "a few lines of recommendation" in his behalf, written by Albert Gallatin to Richard Rush; desires "the appointment of Surveyor of the Customs in this Port"; and adds: "Mrs. Mumford unites with me in our best Respects to you & Mrs. Clay..." ALS. DNA, RG59, A. and R. (MR3). Mumford, broker and a founder of the New York Stock Exchange, had been born in Connecticut, had served abroad as private secretary to Benjamin Franklin, had returned home in 1785 and entered business in New York City, and had been representative in Congress (1805 to 1811). Mrs. Mumford has not been further identified. On the requested appointment, cf. above, Thompson to Clay, July 21, 1825, note.

Daniel Webster, Boston, recommends Thomas Hickling, Jr., of St. Michael (in the Azores), for appointment as United States consul for "the Western Islands." ALS. DNA, RG59, A. and R. (MR2). Hickling, educated at Harvard College and in Paris, was long known as a merchant in the Azores. He had acted for several years as American vice consul at Fayal but received no further appointment.

To C. D. E. J. Bangeman Huygens

The Chevalier Huygens, Envoy Extraordinary and Minister Plenipotentiary from the Kingdom of the Netherlands.

Sir, Department of State, Washington, 25th. October 1826.

I have the honour to acknowledge the receipt of your Note of the 15th. ulto. communicating, according to instructions received by you from the Government of the Netherlands, the explanation which it has to offer of the inequality existing, in the Ports of that Kingdom, between the duties to which vessels of the United States and national vessels are subjected. The President, to whom I have
submitted your note, has been anxious to find but has been unable to perceive in it a satisfactory explanation of that inequality.

The negotiations in 1817, to which you refer, had in view, among other objects, that of placing the Vessels of the two Countries, in their respective Ports, upon a footing of perfect equality, in regard to impost and tonnage duties, so as to leave a fair competition between them, in the transportation of the subjects of commerce. The Act of Congress of the 20. April 1818 was founded upon express assurances from the Government of the Netherlands that no inequality existed, in the Ports of the Netherlands, between the Vessels of the two Countries in the above particular; and it accordingly repeals the discriminating duties of the United States, in regard to Dutch Vessels, the repeal to take effect from the time the Government of the Netherlands abolished the discriminating duties, on its part. All that had passed between the Governments of the two Countries, on this subject, prior to the article in the Tariff of the Netherlands of the 22d. August 1822, entitled us to conclude that there was a perfect understanding between them that no discriminating duties should exist in the Ports of the one operating to the disadvantage of the Vessels of the other. This mutual understanding ought to have all the effect of a solemn contract; and the United States have accordingly so treated it, from the passage of their Act of Congress in 1818 to the present time. For more than four years have their vessels been subjected to a charge, in the Ports of the Netherlands, of ten per cent on their cargoes greater than is paid by Dutch Vessels. We have again and again remonstrated against this inequality, and now we are informed in your Note, as a reason for not fulfilling the engagement, that the Navigation of the Netherlands has not derived all the benefit which its Government anticipated from the equalization of duties. If that even were the result of experience, it certainly could afford no justification for the non-execution of an arrangement which ought to be regarded as guaranteed by National faith.

The Government of the United States demands no new concessions from that of the Netherlands. It requires only that the equality which had been stipulated by their mutual Laws, and which had existed prior to the Tariff of August 1822 shall be fairly enforced. It can perceive no reason for not giving effect to that stipulation in the state of the trade between the United States and the Ports of Rotterdam, Amsterdam and Antwerp, which is described by you. The President would be happy to see the greatest commercial activity prevailing between those and all other ports of the Netherlands and the United States, but that is a matter beyond the control of either Government and must be left to the wants of consumption and to individual enterprise. Nor can it be
admitted that the Government of the Netherlands is justified in making the discrimination which exists in its ports, by the fact of the Act of Congress of January 1824, having extended to other powers the same liberality which our Laws dispensed to the Netherlands. We came under no restrictions in that respect to your Government; and it is the desire of the United States to place their navigation with all countries on the equal and liberal footing of perfect reciprocity.

We can comprehend very clearly that the aim, as you state, of the restitution of ten per Cent of the duties levied in the Ports of the Netherlands, in behalf of Dutch Vessels, is to encourage them. The object of our discriminating laws was to encourage our navigation. Relinquishing that object and depending on equal competition, we abolished them, in regard to the Netherlands, and placed the vessels of the two countries, in that respect, in our ports in a condition of entire equality. And it is precisely because the tendency of the 10th. article of your tariff is that of encouragement to Dutch vessels, and discouragement to all foreign vessels, including American, that is, disturbs the equality which ought to exist between Dutch Vessels and those of the United States, that we are authorized to expect its repeal. The fact of the existence of the inequality cannot be affected by the form of the privilege which is enjoyed. Whether it be that of a direct bounty to the native vessel, or compels the foreign vessel to pay more and allows the native to pay less duty, or be laid upon the Cargo or upon the tonnage the effect is the same. The object of a mutual abolition of discriminating duties, in the ports of the two countries, was to leave to their vessels a fair and equal competition in the transportation of commodities between them. But can such an equality of competition exist, if in the ports of one Country its vessels pay 10. per cent less than those of the other, or, what is in effect the same thing, after paying a like amount of duty, receive back ten per cent of that amount?

You remark that the 10. per Cent is not a diminution of the duties of navigation because it is calculated not upon the capacity of the Vessel, but on the amount of duties on the Cargo with which she may be laden. But its effect is the same, that is, to favour the Dutch tonnage employed in the trade between the Netherlands and the United States.

Protesting against the principle that a nation is absolved from the duty of fulfilling its engagements because it has been disappointed in the degree of benefit which it expected to derive from them, the table which you exhibit of the relative amount of tonnage employed in the trade between the United States and the Nether-
lands admits of several observations. Assuming the facts which it presents to be correct, it shews a gradual increase of the Dutch and a diminution of the American tonnage during the two years and a half which it comprizes. The marine of the Netherlands was almost destroyed during the long wars which originated out of the French Revolution. The ten years which had intervened since their conclusion were not sufficient to restore it to its antient flourishing condition. The first object of the Government and of the enterprize of the Dutch merchants was probably to revive the intercourse with their distant Colonies, and in that their marine was principally employed. Time is necessary to establish the habits and to create the mercantile marine necessary to a foreign trade, and accordingly the table shews that time is working slowly but certainly its usual effects.

It cannot be admitted that the state of our Tariff operates more to the disadvantage of the tonnage of the Netherlands than to that of the United States. If it prevents some exchanges which might take place on a lower scale of duties, that affects alike the tonnage of both Countries. Whatever may be the amount of transportation between them, if the vessels and their Cargoes of both are liable only to the same duties, the equality of the competition between them, so far as it depends upon legislation will be preserved. And those of each will have a fair opportunity of sharing in the transportation, whether it be chiefly from the ports of the one Country or of the other. As to the application of the American Tariff to the produce of the Netherlands, it must be remarked that it is received upon the footing of that of the most favoured nation. It unfortunately happens that the articles of Geneva, sail cloth and Cheese, which you particularize are similar to those which our own Country produces; and our tariff was not arranged with any reference to its particular operation on Dutch produce; but with the general purpose of protecting American industry. The articles, on the contrary of Cotton, Sugar and Tobacco, not being products of the Netherlands, may be admitted, at a low rate of duty, not only without injury, but, as it respects the first especially, with great encouragement to the industry of the Netherlands.

The understanding which existed between the two Governments, in relation to the abolition of discriminating duties, did not embrace the subjects of pilotage, and the jurisdiction which ought to be exercised by the Consuls of the two Countries over seamen deserting from their respective flags. Pilotage is regulated, under the authority of an Act of Congress by the Laws of several States. It is not known that those Laws generally make any discrimination between a Foreign and the native flag, and if such difference were made in
the case of the Brig Mary, we have no other information of it but that which is contained in your Note. If no higher dues are paid by American vessels than those of the Netherlands in the waters of the latter, the Government of the United States would readily apply the principle of equality, adopted in reference to discriminating duties, to the demand for pilotage. As to the control of the Consuls of the Netherlands over deserting seamen, the Government of the United States would be willing to enter into any arrangement founded on mutual convenience and reciprocity.

With respect to the desire of the Government of the Netherlands, by which you are authorized to treat with the United States for a mutual reduction of duties of impost, I have the honour to state that the policy, which this Government has hitherto adopted, has been to reserve to itself exclusively, the judgment of the proper rate of those duties. In fixing it, equality has been alike dispensed to all Nations. The circumstances of no two given Countries are of such exact resemblance as to admit of the same rate of duty for both. The United States are not therefore prepared to change their established policy. There is a manifest distinction, however, between the standard of duties which is applied to the articles of commerce between two Countries; and the principle of equality in the transportation of those articles, by the vessels of the same Countries. Leaving each free to impose such duties as the state of its revenue, of its institutions, and of its domestic industry may seem to require, there is nothing to prevent the operation of a rule of fair competition between the vessels of the two countries, by each being allowed to export or import, at the same rates of duty for vessel and cargo. The Laws of the United States and of the Netherlands professed to establish such a rule. The Dutch tariff of 1822 violates it; and I am, therefore, directed anew to express the expectation of the President that the equality will be restored, and the hope that your instructions will spare him the necessity of performing the duty which is enjoined by the Act of Congress of January 1824.

I avail myself of this occasion to tender you assurances of my high consideration. H. Clay.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 299-304 (M58, R3).
1 Cf. above, Rush to Clay, October 23, 1826, note.

To J[osé] M[aria] Salazar

To J. M. Salazar Envoy Exy. & Minister Pleny. from Colombia.

I have the honour to acknowledge the due receipt of your Note.
under date the 29th. Ulto. at New York, communicating to the Government of the United States information, and certain Acts of the Executive Government of Colombia, in regard to the painful events which occurred in the Department of Venezuela in the month of April of the present year.

The Government of the U. States takes the most sincere and lively interest in all that concerns the repose and prosperity of the Republic of Colombia. The President heard therefore of those events with deep and unaffected regret. And he anxiously hopes that the measures which have been adopted by the Government of Colombia to repress the military insurrection, which you describe, may be attended with the happy effect of preserving the authority of the Constitution and Laws, and at the same time of averting the calamity of a Civil War.

With respect to the particular object of your Note that of communicating the fifth Article of the decree of the 8th. of July last, promulgated by your Government, by which it declares the irresponsibility of the Republic of Colombia for Losses and damages which may be sustained by Citizens of Foreign Nations, in consequence of the disorders which unhappily prevail in Venezuela, the President hopes that no loss or damage to any Citizen of the United States will accrue from those disorders. But if any such loss or damage has accrued or should arise, he cannot admit that the Government of Colombia would not be responsible for it. And the right is, therefore, expressly reserved to prefer any claim to which those disorders may give birth. As the discussion of such a claim at this time might be of an abstract question, it is postponed until the necessity for entering upon it shall be known.

I pray you to accept assurances of my distinguished Consideration.

H. CLAY.
From Thomas L. L. Brent, Lisbon, no. 33. Describes the celebration attending “the anniversary of the birth of the Emperor Don Pedro of Brazil”; states that measures have been taken to suppress rebellion; expresses disappointment with “the consternation produced among friends of the Constitution by the news” from one of the provinces where revolt has occurred; notes reports, not confirmed, that recent elections throughout the kingdom have given the constitutionalists a “great majority” in the House of Deputies. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R-T6). Received March 14. Cf. above, Brent to Clay, August 25, September 30, October 11, 1826.

From [John] M. Forbes, Buenos Aires, no. 42. Announces that Cordova has detached itself [from Buenos Aires] “and has determined to send a Minister to solicit a coalition with Bolivia....”

Reports that (John) Ponsonby has proposed: (i) that the Banda Oriental be declared independent; (2) “that Brasil and this Republic should both evacuate that territory, and leave the Orientalists free to declare their will on the question of independence.” States his understanding that the second proposal has not been rejected and discusses its merits.

Notes that (Manuel José) Garcia has not yet departed for Great Britain and is engaged in talks with Ponsonby; that “Nothing more is said of General [Tomás] Guido’s mission to the United States, but he has been recently spoken of as Minister of War.”

Comments, on October 27, that the previous evening Admiral (William) Brown passed through the blockading squadron for the rumored purpose of taking command of a squadron off the coast of Patagonia.

Adds, on October 31, that nothing further will develop in respect to Ponsonby’s mission “until a battle shall have been fought.” LS. DNA, RG59, Dip. Disp., Argentina (M69, R4). Received January 31, 1827. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, I, 658-59.

William Brown, born in Ireland, had as a child been brought to the United States, where he had become a sailor. In 1812 he had settled in Buenos Aires; two years later he had accepted a naval command under that Republic and shortly thereafter had entered a period of retirement when his vessel, operating as a privateer, had been captured by the British. In December, 1825, he had returned to active duty after Brazil blockaded the River Plate.


Woodbridge, on November 17, 1826, acknowledged receipt of this letter and reported that McDonell had taken the oath of office. ALS, in DNA, RG59, Misc. Letters (M179, R64).

From Frederick Hobbs, Eastport (Maine). Calls attention to a problem resulting from desertions from British “vessels lying in British waters” near
American shores; notes that "British merchants and Ship owners" are reluctant to "frequent this Port," which will lose the timber trade "unless some provision is made for the arrest of their sailors, who sometimes desert their vessels 'en masse'. . ." ALS. Ibid. Hobbs, an attorney in Eastport, had been graduated from Harvard University and had studied law under Daniel Webster. He was later a resident of Bangor, Maine.


In the enclosure Hull states that "some important change or movement in the Government" (of Peru) appears imminent.

From D[avid] WINCHESTER, "Office of the Balto Ins: Co." Refers to a statement, dated September 21, of "Claims on European Governments for Spoliations since the year 1805"; notes having observed in (Edward) Everett's pamphlet (see above, Clay to Everett, October 19, 1826, note) a comment that claims of earlier date "will be furnished to the Department of State"; states that his company, as well as others in Baltimore, have many "Claims on France for spoliations of a date subsequent to those surrendered by the Convention of the 30th. Sepr. 1800 & prior to those Contained in" his earlier statement. LS. DNA, RG76, French Spoliations, 1791-1829.

Winchester, holder of large property interests in Carroll County, Maryland, was president of the Baltimore Insurance Company, chartered in 1795 to deal in marine insurance. Claims against France and Holland listed for the period between 1800 and 1805 on behalf of Winchester, personally, together with those of the company, amounted to around $185,000. Most of them were suspended and remained unsettled when the commissioners acted under the convention with France of 1831. American State Papers, Foreign Relations, VI, 547-49, 553; Sen. Docs., 23 Cong., 1 Sess., no. 417, pp. 72-89 passim.

Brent, by direction of the Secretary, replied to Winchester on October 27, 1826, that if he "should think proper to furnish this Department with Schedules of the claims of . . . [his] Company upon . . . France, of antecedent and subsequent claims dates to those . . . already exhibited, they will no doubt be noticed in the report to the House of Representatives . . . by way of a supplement or addendum to that report" and might "be useful upon some future occasion." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 412 (M40, R19).

APPLICATIONS, RECOMMENDATIONS October 25, 1826


LUTHER RICHARDSON, ALLEN STURTEVANT, THOMAS CROSS, NICHOLAS DRINKWATER, JOSHUA THAXTER, JR., JOSEPH THAXTER, and S. MERRILL, merchants and citizens of Portland (Maine), recommend Thomas Hickling, Jr., for appointment as consul at Fayal, where he has been vice consul for several years. ALS by Sturtevant. DNA, RG59, A. and R. (MR2). None of the writers has been further identified.
From C[harles] Hammond

My Dear Sir.

Steubenville, 1 Oct. 26. [1826]

I ask your good offices in the matter which is the Subject of a letter to the Secretary of the Treasury herewith enclosed. 2 It was to pay this debt, that I left Belmont, 3 in the hope to Sell the land I owned near St Clairsville for that purpose— It has failed to be Sold. I expect a large recovery of property in Cincinnati in our Dct. courts, from which I trust the money can be raised next Season.

The Bank here is much pressed from the embarrassment [sic] of its debtors. The Treasury has been to it very indulgent, of which indulgence I have in part had the advantage. Yet I hope what I now ask may be considerately [sic] allowed— Will you advise me at Cincinnati, what is done in respect to it—

I received your letter of the 8th. 4 at St Clairsville— I will write to you on public matters when I reach home which will be in about 14 days— We are all much gratified at the results of the Elections here and elsewhere— Our own Legislature is as sure and decided as ever for the administration— Jacksonism is certainly sinking— What a dirty thing is Jacksons Harrodsburgh [sic] letter of July last 5—

Yours sincerely C. HAMMOND

ALS. CHi. Endorsed by Clay on verso: "Answd. 10th Nov 1826."

1 Ohio.
2 The enclosure has not been found.
3 See above, III, 510n, 504-505.
4 That is, October 7.
5 In response to an invitation to visit Harrodsburg Springs, Jackson had written from the "Hermitage," to Thomas P. Moore, on July 31, 1826, that he had contemplated visiting the spa, in consideration of Mrs. Jackson's health and to see old friends, but that, since her health had improved, he questioned the propriety of his coming to Kentucky. He had added: "If it be true, that the administration have gone into power contrary to the voice of the nation, and are now expecting, by means of this power, to mould the public will into an acquiescence with their authority, then is the issue fairly made out—shall the government or the people rule? And it becomes the man whom the people shall indicate as their rightful representative in this solemn issue so to have acquitted himself, that, while he displaces these enemies of liberty, there will be nothing in his own example to operate against the strength and durability of the government." Lexington Kentucky Reporter, October 2, 1826.

MISCELLANEOUS LETTERS

October 26, 1826

To Ether Shepley, Portland, Maine. Forwards copies of a letter and enclosure from (Charles R.) Vaughan, pertaining to the Hero (above, October 23, 1826). Instructs Shepley to inquire into the matter and report to the State Department. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 411 (M40, R19). Shepley was United States district attorney for Maine, 1821-1871. He had served in the Massachusetts General Court and in the Maine constitutional convention. He was later a member of the United States Senate (1833-1836) and the Supreme Court of Maine (1836-1855).

To Samuel Smith. States that before receipt of Smith's letter of October 23 Clay had received the same information from Lima (see above, Tudor to Clay, June 11, 1826) "and had prepared an instruction founded upon it to Mr.
[James Cooley] (below, November 6, 1826). Adds: “I nevertheless thank you for your kind intention to supply interesting information of which you supposed us not to be possessed.” ALS. MH.

APPLICATIONS, RECOMMENDATIONS October 26, 1826

SAMUEL WYLLYS POMEROY, Brighton (Massachusetts), recommends appointment of Charles (W.) Dabney as consul for the Azores. LS. DNA, RG59, A. and R. (MR2). Pomeroy, a native of Massachusetts, removed in 1837 to Ohio, where he had purchased land as early as 1804. The village of Pomeroy was incorporated at this site in 1841, the year of Pomeroy’s death. On the recommended appointment, cf. below, Clay to Dabney, November 3, 1826.

From Albert Gallatin

No. 16. London. 27th. October 1826

Sir,

Mr. Canning, in his Official Note of 11th. September last, on the subject respecting the Colonial intercourse, has the following observation respecting the provision of the act of Congress of 1st March 1823 which prevented British Vessels entering American ports, except directly from the British West Indies, from clearing out for any of those Colonies.

[Quotes the paragraph. States that he “did not know at the time what act of Parliament of 1825 was alluded to” and has “found some difficulty to discover by what act, in what manner, to what extent, and from what date the said limitations had been actually repealed.”]

The act of 1822, which contains the limitation alluded to, is that of 24th June 1822 (44th Chapter of 3d. Geo. IV.) entitled “An act to regulate the trade between His Majesty’s Possessions in America and the West Indies and other places in America and the West Indies:” and the limitations in question are two. By the 3d. Section, goods imported in foreign Ships into the free Ports of the British Colonies, must be shipped and brought directly from the Country or place of which they are the growth, produce, or manufacture. By the 4th Section, goods exported from any of the said free ports in foreign Ships, must be exported direct to the Country or state to which such ship belongs. Although Mr. Canning has used the word limitations in the plural number it is clear that he intended to apply his observation, “that the limitations were done away” to the last mentioned limitation only, and not to the first.

[Reviews the acts of Parliament of July 5, 1825 (6 Geo. IV, c. 105, 109, 114), and notes that none of them imposes any restriction upon exportation of goods from British possessions in foreign ships “to any foreign Country whatever.”]
From what precedes, it follows, first, that the restriction which limits the importation in foreign Vessels of goods into the British West Indies and American Colonies to Vessels of the Country of which the goods are the produce, and coming direct from such Country, having been revived by the navigation act of 5th July 1825, is still in force; Secondly, that the restriction which limited the exportations in foreign Vessels of goods exported from the British West Indies and American Colonies to a direct exportation to the Country to which such Vessels did belong, is so far repealed, as that such exportations in such Vessels may be made to any Country whatever, Great Britain and its dependencies only excepted.

But it would seem that that repeal took place from the 5th of July 1826 only; and Mr. Canning having stated that it had taken place from the 5th of January 1826, I have addressed a private letter to Mr. Planta acting Secretary of State during Mr. Canning's absence, asking an explanation of that apparent discrepancy, to which however, not much importance can be attached.

From the tenor of your instructions of 19th June, and 8th of August 1826, it appears that even to the last date, you were under an impression that both the limitations of the act of Parliament of 24th June 1822, on the indirect or circuitous intercourse with the British Colonies, were still in force. This, considering the manner in which the repeal of the limitation in question has been effected, is not a matter of surprize [sic]; and there was another circumstance calculated to strengthen that opinion.

It appears from your instructions of the 19th June last, that the two Acts of Parliament on that subject which had reached you or attracted your Notice, were the act of 5th July 1825, (6th. Geo: IV. Ch: 114.) to regulate the trade of the British possessions abroad, and an act of 27th. June 1825 (6th. Geo: IV: ch: 73:) intitulcd "An act for further regulating the trade of His Majesty's Possessions in America, and the West Indies, and for the Warehousing of goods therein." By the Sixth Section of the last mentioned act, the permission to export in foreign Vessels, goods from any of the British Colonial free ports to any foreign Country, taken in the most extensive sense of which it is susceptible, applies only to Countries in Europe, Africa, or Asia within the Mediterranean Sea, and to ships belonging to such Countries. It does not extend to America, and does not embrace American ships. And it was therefore a natural inference, that the 4th. Section of the act of 5th July 1825, (6th. Geo: IV: ch: 114;) when stating that foreign ships were permitted to export goods from the British possessions abroad, to any foreign Country whatever, referred to the last mentioned Sixth Section of the act of 27th June: 1825, and had no reference to American ships. It is proper here to add, that this act of 27th
June 1825, has since been repealed, not by the act above mentioned of 5th July 1825. (6th. Geo: IV: ch: 105.) "To repeal the several laws relating to the Customs," but by a subsequent act of 26th May 1826 (7: Geo: IV: ch: 48.)

It seems to me that the intricacy of these several acts of Parliament and the difficulty of understanding their precise meaning, might have been considered by the Government of Great Britain as a sufficient reason, why, that of the United States might not have been disposed to accept the conditions on which by those acts the intercourse was opened with the British Colonies, without having previously at least come to an understanding of their true intent and meaning. In point of fact, it was understood by the American Government that one of these conditions was a prohibition to export goods in American Vessels, from those Colonies to any other Country than the United States. The knowledge that this prohibition was repealed, or at least considerably modified might possibly have induced an acceptance of the terms.

Although there is no prospect that any arrangement will shortly take place on that subject, yet it is desirable to be prepared for any Contingency. And I wish that the President would take into consideration whether, supposing an arrangement either by Convention or by Mutual Modification on both sides of existing laws or regulations to be practicable, it would be proper, so far as relates to Navigation, to agree to the Terms contained in the acts of Parliament.

The most important of the restrictions on the indirect or circuitous trade, that which limited the exportation from the British West Indies in American Vessels to the United States has been repealed; and there remain but two. Such exportations cannot be made in American Vessels to Great Britain or her dependencies; a point on which we cannot insist, and which is already given up by the instructions. And the importations into those Colonies of American produce must, if made in American Vessels, be direct from the United States. Is it necessary, on that account, to insist on the right of preventing British Vessels, other than those coming direct from the Colonies, from clearing from the United States for those Colonies? Or, in other words, (for it is clear that with such restriction no arrangement is practicable) is it worth while, on that account, to continue to cut off altogether, the intercourse between the United States and the British Colonies? On that question, I beg leave to submit two observations. First, the right of importing produce of the United States, into the British West Indies from other places than the United States, is in itself of no great value. It might occasionally be convenient when the Market of Cuba, or of other ports in the Gulf of Mexico was glutted with
American produce, to have a right to take it in American Vessels to the British West Indies ports: but it is but rarely, that these will not, from the same causes be also glutted at the same time, and that the expense of a double voyage and freight could be incurred. Secondly, whilst contending for a nominal reciprocity, we must acknowledge that the other party must consider how far this reciprocity will be real. It is now ascertained that four fifths' [sic] of the tonnage employed in our intercourse with Great Britain herself, are American, and only one fifth British. Considering the Species of population, the climate, and commercial Capital of the West Indies, and the distance of Great Britain, it is utterly impossible that the direct intercourse between the United States and the British West Indies should not, with equal duties and charges, be carried on in a still greater proportion in Vessels of the United States. The only compensation, in that respect to Great Britain is to be found in the Circuitous Voyages which British Vessels may make from that Country through the United States to her West India Colonies. And I feel quite confident, I think every man acquainted with the subject will be of the same opinion, that even granting them that privilege, will leave more than three fourths of the intercourse to our Vessels.

I apprehend more danger from another source. Unless the rate of duties on our produce when imported direct from the United States into the West Indies, as compared with that laid on it, when imported from British North American Colonies, can be limited by convention, it appears to me doubtful, whether an understanding without convention would not be preferable. At present our flour imported direct from the United States into the British West Indies pays five shillings per Barrel. If imported into Halifax, St. Johns, or Bermuda, and there warehoused, it pays no duty, and if re-exported thence to the British West Indies, which under existing laws can be done only in British Vessels, it pays there only one shilling per Barrel. This difference of four shillings may not be sufficient to cover the expense and charges of a double Voyage, unloading, warehousing, and relading. But if the rate of duties can be increased at will by Great Britain, she may easily so lay them, as that our flour may be delivered on cheaper terms in the West Indies, through that circuitous Course, than direct from the United States: which would at once give her the best part of the Navigation. If therefore neither the rate of duties can be limited by Convention, nor a Condition inserted that no greater duties shall be raised on produce of the United States, when imported direct from the United States, than when imported from other Countries, including Great Britain and her Colonies, I would strongly incline to the opinion that it would be best, whenever an
arrangement becomes practicable, that it should rest on a mutual understanding and on the respective laws of the two Countries, rather than it should become altogether binding on the United States, and deprive them of the right of countervailing such disproportionate duties as I have alluded to.

It will not escape you that the intercourse by Sea, between the United States and the British West Indies and North American Colonies, has always been considered as necessarily connected together by the British Government, and that this connexion has been kept up in the acts of Parliament, in the articles proposed to Mr. Rush and indeed in all former proposals on their part. The Condition to which I allude, as necessary on our part in the case of a Convention, differs essentially from that which has been absolutely rejected by Great Britain, and which I am instructed to give up. It applies not to the produce of British Colonies similar to our own, but to our own, when imported into the West Indies from the British Colonies. But what renders the subject, in that respect still more complex and difficult to arrange by Treaty, is, that it would be necessary to make a distinct provision as relates to American produce imported into Canada, by inland Navigation. This indeed will probably be, if it is not already, sufficiently protected without any interference on our part. But what relates to that subject and to the St. Lawrence generally will be the Subject of distinct dispatch. I have the honor to be Respectfully, Sir, Your obedient Servant

ALBERT GALLATIN
The Honble Henry Clay Secretary of State Washington.

ALS. DNA, RG59, Dip. Disp., Great Britain (M30, R29).
1 Cf. above, III, 729, note 21.
2 Same as that quoted above, Gallatin to Clay, September 14, 1826, note.
3 Cf. above, Gallatin to Clay, October 21, 1826.
4 See above, Gallatin to Clay, August 19, 1826, note. Chapter 109, "An Act for the Encouragement of British Shipping and Navigation," to take effect January 5, 1826, provides against importation of goods into British possessions, "in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce, and from which the Goods are imported."
5 Joseph Planta, who had been a clerk in the Foreign Office and private secretary to George Canning and Lord Castlereagh. He became one of the joint secretaries of the Treasury in 1827, was made a privy councilor in 1834, and was several times elected to Parliament.
6 Two statutes had been passed by the British Parliament on June 24, 1822. The first, discussed above, Smith to Clay, June 25, 1825, had opened direct trade between the United States and the British West Indies. However, the second, 3 Geo. IV, c. 45, had restricted to British-built vessels the British West Indian export trade carrying the produce of those colonies or articles legally imported into them, to Europe, Africa, Gibraltar, or Malta.
7 See above, Clay to Gallatin, June 19, 1826.

INSTRUCTIONS AND DISPATCHES

October 27, 1826

To William Tudor, "Consul of the U. States, Lima." Acknowledges receipt of his "Letters from No. 1 to 42, inclusive, with the exception of Nos. 15, 16.
22. 23. 33. 34. and 36”; states that the failure of his predecessor (John Quincy Adams) and himself to acknowledge “their receipt, as they respectively came to hand, . . . was not in consequence of any insensibility to their values”; praises Tudor’s “great zeal in the public service,” the benefits he has rendered in Peru to his country and fellow citizens, and his interesting and informative communications; and informs him of the President’s decision to allow him compensation “at the rate of $4,500. per annum from the day of Mr. [John B.] Prevosts death until that of the arrival of Mr. [James] Cooley at Lima.”

Copy. DNA, RG59, Cons. Instr., vol. 2, pp. 403-404 (M78, R2).

MISCELLANEOUS LETTERS October 27, 1826

To Peter B. Porter. Transmits a copy of (Charles R.) Vaughan’s note of October 23, relative to the boundary; requests Porter’s comments on the proposal. Copy. DNA, RG59, Dom. Letters, vol. 21, p. 412 (M40, R19).

APPLICATIONS, RECOMMENDATIONS October 27, 1826

Lucius] H. Scott, and others, recommend that John W. Osborn, editor of the Western Register and Terre Haute Advertiser, be authorized to publish the laws. ALS by Scott, signed also by twenty other persons, including William C. Linton and John W. Davis. DNA, RG59, P. and D. of L.

Scott, originally of New York, had come to Vincennes, Indiana, with Osborn, in 1817, and had settled at Terre Haute. He had been a school teacher, merchant, sheriff of Vigo County, and, in 1822-1823, a representative in the Indiana Legislature. For about four years, to 1826, he and Linton had operated a store in Roseville, Parke County, then Scott had returned to Terre Haute. He was later a resident of Philadelphia.

Davis, a native of Pennsylvania and a graduate of the Baltimore Medical College, had moved to Carlisle, Indiana, in 1823, to practice medicine. He was, later, several times a member of the State legislature and of the United States House of Representatives (1835-1837, 1839-1841, 1843-1847). He was Speaker of the House, 1845-1847; Commissioner to China, 1848-1851; president of the Democratic National Convention, in 1852; and Governor of Oregon Territory, 1853-1854.

The Terre Haute newspaper, under Osborn, was named to publish the laws of the Nineteenth Congress, Second Session, and retained the contract through the remainder of the Adams administration, replacing the Vincennes Western Sun as recipient of this patronage. Cf. below, Boon to Clay, December 4, 1826, note.

From Lafayette

My dear Sir Private La Grange october 28e 1826

Mr Brown who is in the City, Mr Gallatin1 whom I Had the pleasure to See for two days Give You french and English News with the Reports from other parts of Europe. I Have therefore very little to Say, and what should I Say But that the British and the Continental Cabinets are patching Up Every Gap from which liberty and Equality Might pop out, on this Side of the
Atlantic. Nevertheless the public mind is Making slow progress, and at the End of a Chapter, too long I fear, things will definitively Come to Rights

I Have Given to the president² an Account of my Conversation, Seeked [sic] on their Part, with the last Commissioners from Hayti to this Government, the Main point of which was to tell me that one of the American objections to the acknowledgement [sic] of their independance [sic] might Easily Be Removed, as they might Even Now Assure You that the privileges Complained of as a kind of Vasselage [sic] were not at Any Rate to last More than the time fixed for the payment of the Stipulated Money.³

Permit me to inclose a letter to the president Containing the Application of a lady,⁴ a packet for Mr Graham Relating to my landed Concerns,⁵ and one to my dear friends Fanny and Camilla Wright the elder of whom Had but lately recovered from a very alarming fever. I would much like to Have Your Opinion of their philantropic [sic] Experiment.⁶

I Beg You to present My Best Respects to Mrs. Clay and family, to Remember me to our friends, particularly Governor Barbour⁷ to whom I will Have the pleasure to write By the Next packet. Here is the Copy of a letter I Have Received from Gal Bolivar⁸ it Has Been published in france as well as my letter from Washington⁹ at the Request of Mr Madrid the Colombian Agent to this Government¹⁰

My Best Wishes Attend You and I am Most Cordially Your old affectionate friend

LAFAYETTE

ALS. DLC-HC (DNA, M212, R2).

¹ James Brown; Albert Gallatin.
² Lafayette to John Quincy Adams, September 12, 1826, in MHi-Adams Papers, Letters Received (MR477).
³ Cf. above, Brown to Clay, April 27, 1826, note; Clay to Anderson and Sergeant, May 8, 1826.
⁴ Louise d'Aämenara to Adams, October 20, 1826, in MHi-Adams Papers, Letters Received (MR478).
⁵ George Graham. See above, III, 899-900.
⁶ See above, Wright to Clay, July 28, 1825.
⁷ James Barbour.
⁸ Simón Bolivar to Lafayette, March 20, 1826, published in Lecuna (comp.) and Bierck (ed.), Selected Writings of Bolivar, II, 579. In the letter Bolivar expressed great pleasure at receiving a portrait of George Washington and a gold medal presented to the latter by the United States. Lafayette had undertaken transmission of these mementos at the behest of George Washington Parke Custis, son of Washington's stepson, John Parke Custis. The latter having died young, G. W. P. Custis had been reared by Washington at "Mount Vernon."
⁹ Lafayette's letter to Bolivar, written from Washington, September 1, 1825, was fulsome in tribute, referring to him as the "Liberateur, nom confirmé par les deux mondes, et qui, doué d'une influence égale à son désinteressement, porte dans son cœur l'amour de la liberté sans aucune exception et de la république sans aucun alliage." Published in Lafayette, Mémoires, Correspondance et Manuscrits... Publïés par Sa Famille (2d. edn., 6 vols.; Paris and Leipzig, 1837-1838), VI, 212-13. The same source published a French translation of the Bolivar reply.
¹⁰ José Fernández Madrid, writer, revolutionary, and, briefly, in 1816, President of the Patriot Government in Colombia. In 1827 he became Colombian Minister to London.
INSTRUCTIONS AND DISPATCHES

October 28, 1826

From Joshua Bond, Montevideo. Reports the seizure, by "Brazilian [sic] Vessels of War," of "the Brig Pioneer of Salem," under an "absurd pretence" in connection with the blockade, and of "the Brig Sarah George of Portland," for which "No cause whatever has been given by the Authorities"; states that the cases will not be decided locally, but by "the High Court of Admiralty at Rio de Janeiro"; states that he will forward pertinent documents, copies of which are here enclosed, to (Conely) Raguet. LS. DNA, RG59, Cons. Disp., Montevideo, vol. 1 (M71, R1). Received January 18, 1827. On the case of the Pioneer, see above, Raguet to Clay, October 2, 1826, note. The Sarah George, bound from Lima to Montevideo, had been captured near the River Plate.


MISCELLANEOUS LETTERS

October 28, 1826

From Joseph Delafield, New York. Refers to "the present state" of the negotiations relative to the boundary (cf. above, Porter to Clay, October 16, 18, 1826); encloses "two maps upon a reduced scale comprising the territory in dispute." Notes that "The smaller map is of that part of the St Marys River between Lakes Huron and Superior which embraces Isle St George, an Island claimed in behalf of the respective Governments," and explains the superiority of the American claim. States that "The larger map embraces all the disputable country beyond Lake Superior"; calls attention to "the three routes of Rivers and lakes leading toward the lake of the Woods"; cites the claim made by each country; and expresses confidence in the validity of the American offer of a compromise boundary along the northernmost of "two chains of lakes and rivers" within the middle route. Promises to send additional documentary materials. ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI & VII, env. 1, folder 2.

APPLICATIONS, RECOMMENDATIONS

October 28, 1826


Washington Evans, Martinsburg, Virginia, solicits, as editor and printer of the Martinsburg Gazette, appointment to publish the laws. ALS. DNA, RG59, P. and D. of L.

Samuel D. Harris, Boston, recommends Charles W. Dabney, for appointment as consul in the Azores. ALS. DNA, RG59, A. and R. (MR2). Harris, a native of Boston and a veteran of the War of 1812, had been appointed United States marshal for the District of Massachusetts in 1821 and reappointed in 1824.

Henry Payson and Company and others, Baltimore, recommend Charles W. Dabney for appointment as consul general for the Azores. LS. Ibid. The
document bears fourteen signatures, all apparently of Baltimore merchants, including those of Robert Oliver, Roswell Lyman Colt, Isaac McKim, William Patterson, Robert Gilmore, William Wilson and Sons, and James Beatty. Payson, prominent merchant and shipowner, had settled in Baltimore during the Revolutionary War. He had been active as a member of committees for the defense of that city in 1814 and had been one of the founders of the Unitarian Church there, in 1817.

George F. Strother recommends William M. Thompson for a clerkship. Adds that “Mrs. Thompson is the ... niece of General George Washington.” ALS. Ibid. (MR4). Enclosed in Thompson to Clay, March 1, 1827. Thompson, a merchant in Culpeper County, Virginia, had been born in Hanover County. In 1820 he had married Mildred Thornton Ball, granddaughter of George Washington’s brother Charles. The recommended appointment was not made.

Editorial

[October 29, 1826]

We presented to our readers yesterday, but had no room then for any accompanying remarks, a Treaty of Commerce, Friendship, &c. which was negotiated in December last, by Mr. Clay, on the part of the United States, and Mr. Canaz, Envoy Extraordinary and Minister Plenipotentiary, from the Federation of the Centre of America, on the part of that Republic. It was ratified by and with the advice and consent of the Senate, it is believed unanimously given, at the last Session, and having been subsequently ratified by the other contracting party, now goes into immediate operation. Its leading features are—

1st. The equalization of tonnage duties imposed on the vessels of the two countries.

2d. A reciprocal liberty of importation and exportation in the vessels of the respective parties of whatever may, by law, be imported or exported, in native vessels, without reference to the country of origin or production of the cargo;

And 3rd. A mutual reception in the ports of each, of the produce of the two countries, subject to no higher duty than similar produce of the most favored nation is liable to pay.

The second feature, above described, is founded on the new principle to which we lately adverted, when we promulgated the Danish Treaty. It has been adopted, in this instance, without any exception; so that whatever may be imported or exported in the vessels of either party from or to any part of the Globe, may, in like manner, be imported or exported in the vessels of the other party. All restrictions upon the navigation of either country: all selfish provisions of law, aiming at engrossment on the one side and exclusion on the other, are thus entirely swept away, and a free and fair competition is allowed between the ships of the two countries. A vessel of the Central Republic, in our ports, will be received
and treated as our own; and our vessels will be received and
treated in their ports as their own. Beyond the application of this
principle we can hardly imagine any improvements in Treaties or
laws regulating the navigation of nations in their commercial
intercourse. We hope the Treaty will prove as beneficial to both
parties, in its practical operation, as it has been satisfactory in its
conclusion, and that it will tend to increase our intercourse with
a Republic in whose welfare the United States have particular
reason to feel the most lively interest.

Washington *Daily National Journal*, November 2, 1826. On the dating and Clay's
role in the authorship of this document, see below, Clay to Force, November 1, 1826.
1 That is, November 1, 1826. 2 Above, December 5, 1825.
3 Above, Editorial, October 15, 1826.

**From James Brown**

My dear Sir  

Paris October 29, 1826

I have not had the pleasure of receiving a single line from you
since the month of June.1 Having heard from some of my corre-
spondents that your health *was bad and your spirits worse* I have
felt very uneasy to learn something from yourself. I see from the
Intelligencer2 and from an indorsement on a letter of Doctor
Brown3 which you inclosed that had [sic] returned to Wash­
ington and I hope that you will as soon as you recover from the fatigues
of your journey let me hear from you. It gives me pleasure
to discover from the papers that you have been received every where
with marks of kindness and confidence which will have their effect
in diminishing the number of the dastards who only strike when
they believe their adversary down but fawn and flatter when they
find him on his feet.

Mr Canning4 has returned with a belief that all will be quiet
on the Continent. I think he is right because they all want repose,
and still more, *funds*— The state of England is very embarrassing
and the Ministers will have a hard task to perform at the opening
of the next Parliament The deficit in the revenue is said to be
very considerable and it is not yet perceived how it can be supplied.

This Government is straining every nerve to render itself
formidable on the Ocean and for that purpose is doing all it can
by extending its commerce to increase the number of its Seamen.
For the purpose of increasing its force large Squadrons of armed
vessels are kept cruising every where, and about sixty millions are
employed annually on the Navy. Their Navy offic[ers] are well
instructed and the [sic] only want seamen in order to carry out a
very formidable fleet—

Renew my affectionate salutations to Mrs Clay to whom her
sister begs to be remembered. I am Dear sir very truly Your most faithful servt.
Honble Henry Clay

JAMES BROWN


DIPLOMATIC NOTES

From Fernando Valero, New York. Announces the arrival of Pedro Gonzales, Chargé d’Affaires of the Federation of Central America, and the imminent departure of Valero. ALS, in Spanish. DNA, RG59, Notes from Central American Legation, vol. 1 (M-T34, R1).

MISCELLANEOUS LETTERS


From Ephraim Bateman

Oct 30h 1826

With a frankness which I presume late acquaintance will justify I submit to you the following statement & sentiments— Pennington1 our late Distrixt Judge is deceased, W. Rossell Esq. & R. Stockton Esq2 are reputed candidates for the vacancy— Stocktons political principles & associations you Know— Rossell has been a uniform & efficient Republican— Both are friendly to the Administration— but in as much as we have been frequently charged in this State with a federal bias, & as this; notwithstanding the result of the Election is rather a critical period, the obvious policy in my judg­ment is to give Rossell the place; & out of a limited, but respectable circle which revolve [sic] around Mr S.— such I believe to be the general sentiments of the people of N. Jersey especially of the Republicans— The choice of Senator has been postponed for a few days3—

Yours Respectfully  Eph. Bateman

ALS. DNA, RG59, A. and R. (MR3). Addressed to Clay. Bateman, a physician of Cedarville, New Jersey, had been several times a member of the State Assembly and, from 1815 to 1823, had sat in the United States House of Representatives. 1 William Sanford Pennington. 2 William Rossell and Richard Stockton. 3 The death of Joseph McIlvaine, August 19, 1826, had necessitated the election of a new United States Senator from New Jersey. In the election, by a joint meeting of
the State legislature, Bateman, as the presiding officer, broke a tie by voting for himself. He held the Senate seat until his resignation, January 12, 1829.

From Philander Chase

Very Dear Sir;

N York Octr, 30, 1826

I had great pleasure in receiving your most friendly letter addressed to me at my brother Dudley's in Vermont. The inclosures were from my most valued friends in England and gave me much pleasure. They mention the deep regret they feel at the excitement created in England by Bp. Hobart's Sermon: and while they disapprove of the sermon as both un timely, ungrateful and unjust, they would be clearly understood not to give any countenance whatever to the unchristian spirit which appears in Mr. Norris' review of the same.

What will they say when they see Bp. H's rejoinder!— Might it be that the two nations are set on fire by these two firebrands? I trust not.

On Saturday last I went over to Jamaica Long Id. to see that great & good man Rufus King. My reception was most kind; and the interview with him, to me most satisfactory. He declared his entire approbation of my plan[s] and his unfeigned joy at the news of their success. These feelings he said he had made known in England. I was most happy to learn that he questioned the propriety of Bp: Hobart's publishing his sermon & also disapproved of the belligerent spirit in the writings subsequent.

I shall remain here and in this neighbourhood till next saturday when (D.V.) I shall go on to Philadelphia

Please address me while here at the house of Leonard Kip Esquire Fulton Street and during next week at the Rev. George Boyd's Philadelphia.

With feelings of great esteem I am Dr. Sir your faithful & affectionate Friend

PHILANDER CHASE

ALS. DNA, RG59, Misc. Letters (M179, R64).

1 Not found.

Bishop John Henry Hobart, of New York, author, editor, professor at the General Theological Seminary, and long active in the Protestant Episcopal Church, had returned home in the fall of 1825 after two years abroad. His sermon, to which reference is here given, was published under the title, *The United States of America, Compared with Some European Countries, Particularly England; in a Discourse Delivered in Trinity Church ... in the City of New York, October, 1825* (New York, 1825), and appeared in several later editions in New York and London. It expressed his recognition that the Episcopal Church had received its basic tenets through the Church of England but his "congratulation" that the American body "professes and maintains them in their primitive integrity, without being clogged or controlled by that secular influence and power which sadly obstruct the progress of the Church of England, and alloy her apostolic and spiritual character." Quoted in *The Christian Journal, and Literary Register, X* (February, 1826), 55. The sermon had been venomously attacked in June, 1826, by the editor of the London Quarterly Theological Review, presumably Henry Blandley Norris, a wealthy "perpetual curate" of Hackney Parish and a leader of the "high church party." The latter piece was also reprinted in *The Christian Journal, and Literary Register, X* (October, 1826), 313-29.
INSTRUCTIONS AND DISPATCHES  

October 30, 1826

From Albert Gallatin, London, no. 17. Acknowledges receipt of Clays “Despatch No. 6 dated the 5th [i.e., 8th] of August last.” States that, “of the three general restrictions laid down by the President,” he would suggest modification of the second, pertaining to the area west of the Stony Mountains, namely that the United States might consider yielding to Great Britain “possession of the mouth of the river Caledonia, almost the whole course of which is north of the 49th degree of latitude.” Expresses belief that this course would be wiser than to agree, as he is instructed, “to a renewal of the agreement contained in the Convention of 1818, which will leave to Great Britain for ten years longer and consolidate their actual possession of the whole or nearly the whole territory in dispute.” States that he will use his best efforts to carry the President’s intentions into effect but that he considers it consistent with his instructions to allow British navigation of the Caledonia to the sea “on the same principle on which the right of navigating the river Columbia is to be admitted.”

Expresses agreement with the President’s opinion “that no stipulation involving a cession of territory belonging to any State in the Union ought or indeed perhaps can be made without the consent of the State.” States that his strategy regarding the northeastern boundary will be first to try to clarify issues for the umpire, and next “to transfer the negotiation to Washington for the double purpose of either agreeing to a joint statement or of attempting a compromise.” Presents in detail the results of his investigation of the northeastern boundary question. ALS. DNA, RG59, Dip. Disp., Great Britain vol. 33 (M30, R29). Received December 15. Published in American State Papers, Foreign Relations, VI, 647-50.

MISCELLANEOUS LETTERS  

October 30, 1826

From Lippincott and Abbott, Edwardsville, Illinois. Express disappointment that Hooper Warren was authorized to publish the laws in the Edwardsville Spectator. State that they, not Warren, are the editors and are entitled to receive the compensation. ALS. DNA, RG59, P. and D. of L. Cf. above, Lippincott and Abbott to Clay, November 16, 1825, note; below, Clay to editor of Edwardsville Spectator, December 7, 1826, note.

From Robert Oliver, Baltimore. Explains the nature of two claims he has on Spain: one, for a cargo seized in 1808; the other, for the amount of a bill given him by “the late Spanish Minister Don [Luis de] Onis in July 1818”; asks that (Alexander H.) Everett be instructed “to demand indemnity for the property in question” and “to consult” Ricardo Ryan of Madrid, Oliver’s agent “to look after . . . claims on the Spanish Government.” LS. DNA, RG59, Misc. Claims. Spain.

From Andrew Ritchie, Boston. Refers to a memorial (not found), already submitted to Clay, “praying that, in case it should be the pleasure of our Government to enter into a commercial treaty with Denmark, the tax, tech-
nically called the tax of 6ths. & 10ths. should be abolished in respect of [sic] American citizens, in the same manner as it has been abolished in regard to all other foreigners in the Danish Colonies.” Notes that “The 7th. article in the treaty lately published [above, April 26, 1826] was probably formed for” the purpose of abolishing the tax, but “is so construed, as” not to apply to American citizens. Requests “that an article explanatory of the 7th. Article may be added to the Danish Convention, or such interpretation of this article be demanded, as will satisfy the favorable intentions of Government in our behalf.” ALS. DNA, RG59, Misc. Letters (M179, R64). Ritchie, a native Bostonian, graduate of Harvard, and member of Phi Beta Kappa, was a son-in-law of Harrison Gray Otis. On the adjustment of the issue, see below, Bille to Clay, November 11, 1826; Ritchie to Clay, November 13, 1826.

Check to Richard Forrest

31 Oct. 1826


Cashr. of the Off. B.U. States Washington

ADS. DLC-TJC (DNA, M212, R16). Cf. above, Rental Agreement, October 11, 1825.

To Albert Gallatin

No 11 Department of State. Washington, 31st. October 1826.

Albert Gallatin Esqre Envoy Extraordinary and Minister Plenipotentiary U. S. to Great Britain.

Sir,

Your despatch No. 12, under date the 20th. September last transmitting a Copy of Mr. Canning’s Note to you of the 11th. of that month has been received and laid before the President. I will hereafter forward to you such observations as that note seems to require. My purpose at present is to convey to you the instructions which I am directed to give on the points stated by you in your above mentioned despatch.

The refusal of the British Government to treat of the Colonial trade does not furnish an adequate motive to the Government of the U. States to decline a renewal of the Convention of 1815 which was continued by that of 1818. The regulations contained in that Convention of the trade between the European Dominions of G. Britain and the U. States have been found, upon experience, to be beneficial. We ought not to put at hazard or deny ourselves the advantage which we derive from them because the two Countries may not be able to come to any agreement on another branch of their Intercourse, about which they could not reconcile their conflicting views at either of the periods of 1815 or 1818.
With respect to any modifications of that Convention which Great Britain may desire, until they are stated, no opinion can be formed of them. Should that which you anticipate be brought forward, to wit, to allow the importation into the Ports of Great Britain from the U. States and in American Vessels of goods, the produce of any part of the World, on condition of the like privilege being granted to British Vessels in ports of the United States, and in both cases without any discriminating duties, you will meet it by the following counter proposal, viz, that whatever may be imported or exported into or from either Country in its own Vessels from any Foreign Country whatever, and from the parent Country to the Colonies (including the Colonies of either party) may in like manner and with no higher charges or duties be imported or exported in the vessels of the other Country. The model of such an Article may be seen in the 4th. Article of the Treaty lately concluded between the U. States and the Confederation of the Centre of America. 1 If the British Government object to our participation in the trade between the parent Country and the Colonies, you may consent to omit that provision. That omission would leave Great Britain in possession of the monopoly of the carrying trade between the ports of the parent Country and her Colonies, but would allow of a fair competition between the navigation of the two Countries, in their Intercourse with all foreign Countries whatever. If in neither of the above forms your Counter proposal should be accepted, you will then take that of the British Commissioners above mentioned, should it be made, for reference to the Government of the U. States. The President is not now prepared to decide absolutely upon it, and wishes the benefit of the developement of the British views, which will take place in the course of your negotiations on these mutual proposals, as well as further consideration, before he determines definitively. It is not intended to restrict you in the offer on our part of the above proposal, in either of its forms to the contingency of the British Government making the proposal which you anticipate. Whether they bring forward that or not, you are at liberty, and at such time and in such manner as may appear to you best, to make in our behalf the proposal in either of the two forms above mentioned, presenting it in the first instance so as to comprehend the Colonies, unless you are perfectly convinced that the offer of it in that shape would be altogether useless.

I am with great Respect, Your Obedt. Servant. H. Clay

1 Above, December 5, 1825.
To José Maria Salazar

Don José Maria Salazar, Envoy Extraordinary and Minister Plenipotentiary from Colombia.

Sir, Department of State, Washington, 31, Octr. 1826.

I regret that circumstances of which you are well apprized have prevented an earlier acknowledgment of the Note which you did me the honour to address to me on the 10th. of July last. The delay has, however, afforded to the President an opportunity of more deliberately considering its interesting contents, and forming that decision on the proposal of your Government which I have now to communicate.

The interest which the Republic of Colombia takes in the termination of the War between the Brazils and Buenos Ayres is honourable to her humanity. The Government of the United States has seen, with regret, the commencement, and would behold, with great satisfaction, the conclusion of that War. The differences between the Belligerents were not of a nature to justify the wasting, in a primature [sic] and useless war, those exertions and resources, which would be better employed in establishing and strengthening their respective infant institutions. But the war, in fact, exists, and the question is, what are the best means to put an end to it? The proposal of your Government is, that a joint mediation should be offered by the United States, Colombia and Great Britain. The formal offer of such a mediation, without having any intimation from either belligerent that it would be acceptable, might not conduce to the object desired, unless the mediating powers were prepared, which they are supposed not to be, to coerce by force of arms compliance with the conditions which they might agree to prescribe. We have no communication, from either of the parties to the war, that our interposition to bring about a peace would be agreeable. Without, therefore, deciding how far it might, at any time, be expedient to offer, on an American subject and to American powers, a joint mediation composed partly of an European State and partly of American Nations, the President thinks that, under present circumstances, such a mediation as is supposed to be contemplated is of too doubtful advantage to warrant the United States to become a party to it. But you will assure the Government of Colombia that the respective Ministers of the United States, at Buenos Ayres and Rio Janeiro, will be instructed to afford their good offices, and to offer those of the United States, in putting an end to a war so injurious in its example and so pernicious in its consequences to the American hemisphere.

I avail myself of this occasion to renew to you assurances of my distinguished Consideration. H. Clay.
To Samuel Southard

31 Oct. 1826.

Mr. Clay's compliments to Mr. Southard, with the letter of Mr. Baird, whose request had been previously attended to.

AN. NjP-Samuel L. Southard Papers. See above, Southard to Clay, October 29, 1826.

Rental Agreement with Postlethwait, Brand, and Company

[October 31, 1826]

[Clay leases to Postlethwait, Brand, and Company, for one year, "the two lower rooms and the Cellars under them in his Brick House on Short Street in the town of Lexington, the upper part of said House being at present occupied by Mr. M H Jowitt— And also the joint use with the tenant or tenants who may occupy the upper part of said House, of the passage, the yard and privy—" The lessee agrees to pay $120, "in gold or silver coin payable quarterly," and to return the property in good condition.]

[Endorsement on verso]

[By mutual agreement, dated January 15, 1827, the lease is extended to October 31, 1829, "unless said Clay should sell the property, in which event the said Postlethwait, Brand & Co. are to surrender it—"]

[Endorsements on wrapper]

[Scott records the receipt of quarterly payments, of $30 each, from February 26, 1827, through November 8, 1830.]

House rented to Mrs. Cook 1st. Nov. 1830

ADS, by Robert Scott, for Clay, signed also by "Postlethwait Brand & Co." DLC-TJC (DNA, M212, R16). The lessee, a firm engaged in the manufacture of cotton and wool, was composed of John Postlethwait, John Brand, John Tilford, and Elisha Warfield. ¹ Cf. above, Rental Agreement, August 8, 1826. ² AES by Scott, signed also by "Postlethwait Brand & Co." ³ All AE by Scott. ⁴ Catherine B. Cooke.

DIPLOMATIC NOTES

October 31, 1826

To BARON STACKELBERG. Acknowledges receipt of his note of September 26; states that, in reciprocation of the King's action, "the President . . . will recommend to the Congress . . . to pass a Law for the observance of the rule of the Treaty, for the present on our part"; notes that Hughes cannot be spared from his post in the Netherlands to negotiate another treaty, but that John James Appleton, Hughes' successor, "will be instructed and empowered to
Secretary of State

negotiate and conclude a Treaty for the regulation of the Commerce of the two Countries.” Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 305-306 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

October 31, 1826

To ALBERT GALLATIN, London, no. 12. Cites an application for “the interposition of the American Government, in support of the claim of the owners of the American Brig Charlotte, upon the British Government, for indemnity for the loss and injury sustained by them, in consequence of that vessel having been attached in the Irish Court of Admiralty, in the port of Newry.” Notes that the owners have indicated that they will furnish Gallatin with documents pertaining to the case. Requests him, “if they make out a fair claim,” to aid the owners. LS. NHi-Gallatin Papers (MR14). Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 172-73 (M77, R6). The vessel, identified in 1854 as belonging to “Hart, Sands and others,” had been attached on a charge of smuggling in violation of British revenue laws. The owners’ claim for costs incurred by the vessel’s detention was disallowed. Sen. Docs., 34 Cong., 1 Sess., no. 103, p. 55. Eli Hart and Company and Comfort and Joseph Sands, all prominent New York merchants who pressed other claims for indemnity growing out of ship seizures during the Napoleonic period, may have been the owners of the Charlotte.

To JOHN RAINALS, Copenhagen. Notes that (John A.) Dix “has returned with the evidences of the exchange of ratifications of the Treaty . . . with Denmark” but that, “In the recital of the Treaty in the instrument by which that exchange was effected,” a paragraph was “omitted from the third Article”; states that, the omission being considered accidental, “The Treaty has been . . . officially promulgated”; and instructs Rainals to communicate these particulars to Count Schimmelmann. Copy. DNA, RG59, Dip. Instr., vol. 11, p. 173 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7).

From CONDY RAGUET, Rio de Janeiro, no. 17. Transmits all correspondence between himself and the Brazilian Government since October 3, most of which pertains to the two seamen, belonging to the Leonidas, who were pardoned by the Emperor “after they were found to be incurable,” along with a third man “after he was dead and buried.” Asserts that his language in handling these matters was not restrained and that he will go to Buenos Aires and await Clay’s orders if the Brazilian Government refuses to communicate with him. States that he has not replied to two notes dated September 30, from the Minister of Foreign Affairs (The Viscount of Inhambupe), because “All discussions upon abstract questions with a Brasilean Ministry are nothing but a waste of time and labour.” Forwards, also, news received from (Joshua) Bond relative to seizure of the brig Sarah George (see above, Bond to Clay, October 28, 1826) and to three recent cases of impressment, in one of which an American was “severely beaten.” Comments that “Matters are certainly getting worse and worse, and unless some chastisement is applied to these people, their insolence and arrogancy will become unbounded.” Cites the status of the following American vessels: Homer, sold to Samuel Clapp, an American, and seized again for breach of blockade; Leonidas, property on board, belonging to Buenos Aires merchants, condemned, no decision on remainder of cargo or vessel; Ruth, case pending, no decision for two months; Spermo, given up on bonds in July, no decision on cargo; Exchange, same as Spermo regarding damages.
Details the comic "promotion of nobility, and extensive conferring of orders" on the anniversary of the birthday of the Emperor (Peter I). Expresses a belief that the Emperor will attempt to delay the marriage of Donna Maria to Dom Miguel until she reaches maturity.

Reports arrival of the frigate Amazon, built at New York for the Brazilian Government, and observes that the Emperor and Minister of Marine (Viscount de Paranaguá) were disappointed because of her lack of armament.

States that the Brazilian Minister to the Congress of Panama (Theodoro Jozé Biancardi) has not sailed; that a writer in a Government newspaper attributed this to "anticipated dissolution of that Congress"; and that there was no such news in Rio "until within about a couple of months, when the defection of General Paez in Colombia [see above, Litchfield to Clay, May 22, 1826, note] reached here via England."

Expresses the amazement of himself and his diplomatic colleagues that Brazil "should pursue a policy so certainly calculated to extinguish the monarchical principle in America." Even the Austrian Chargé (Baron Maréchall) told him that the United States, "of whose power to overthrow this government he is perfectly convinced . . . , 'will be obliged to take the redress into its own hands for nothing but fear can produce any effect upon this people.'"

Reports that (Henry) Chamberlain is succeeded by Robert Gordon, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, who arrived October 13. Notes that Gordon, "latterly Secretary of Embassy at Vienna," is the first at his present rank to be accredited by Brazil and that he shares Raguet's views concerning the impact of the war with Buenos Aires upon neutral rights at sea, and agrees that the United States and Great Britain "ought not . . . submit to the pretensions of this Government, in relation to the blockade of the River Plate." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received December 29. Extracts published in American State Papers, Foreign Relations, VI, 1042-43.

Francisco Vilela Barbosa, Viscount de Paranaguá, born in Rio de Janeiro and educated in Portugal, had served as an officer of the Corps of Engineers in the Portuguese Army until 1822, when he had taken a seat in the constituent assembly. In June, 1823, he had returned to Brazil and entered politics in support of Dom Pedro. He served as Minister of Marine in 1826 and 1827.

Chamberlain had been British Consul in Rio de Janeiro for many years. He had served as consul general and Chargé d'Affaires from 1815 to 1819 and as Chargé and Minister Plenipotentiary from January 2, 1826, until Gordon's arrival on October 13 of that year. The latter had previously held minor diplomatic posts in Persia and at The Hague and had been Secretary of Embassy at Vienna, from 1815 to 1826, during which time he had served on several occasions as Minister Plenipotentiary. He remained in Brazil until 1828; became, in the next year, Ambassador to Constantinople (to 1831); and, from 1841 to 1846, was Ambassador to Vienna.

MISCELLANEOUS LETTERS

October 31, 1826

From George Gibson. Notes that Hugh Glenn, "lowest bidder for furnishing provisions at the posts of Natchitoches & Cant. Gibson," failed to send with his bid the required "recommendatory letters," although he "makes reference" to Clay. Requests Clay's "opinion as to Mr. Glenn's ability to fulfill the contracts . . . ." Copy. DNA, RG192, Letters Sent, vol. 5, p. 244. Glenn, born in Berkeley County, Virginia (now West Virginia), had lived in Madison County, Kentucky, and in Cincinnati. He had been a militia officer in the War of
1812, had long been an army contractor, and had been a leader of a trading expedition to Santa Fé (1821-1822). He was successful in his bid to provide subsistence at Nachitoches and Cantonment Gibson. The latter post, later called Fort Gibson, had been established in April, 1824, near the junction of the Neosha (or Grand) and Arkansas Rivers.

To George Gibson. States, in response to Gibson's inquiry (of this date), "that Mr. Glenn is a man of uncommon capacity for business, experienced, and well acquainted with the mode of supplying our troops with provisions"; that "Mr. Clay does not doubt that he would fulfill any contract which he may enter into"; but that "he is believed to be considerably embarrassed in his circumstances." AN. DNA, RG92, Consolidated File.

From Peter B. Porter, New York. Acknowledges receipt of Clay's letter of October 27, enclosing a copy of Vaughan's letter "in relation to a portion of the boundary, through the water communication between Lakes Huron and Superior; or Ste. Mary's River..." States that he and (Anthony) Barclay "have disagreed as to the appropriation of the island which forms the principal subject of the Minister's letter, called on the Map," enclosed herewith, "St. George's Island" and on his Map 'No 2'; Mr. Barclay contending that the boundary ought to be traced through the channel on the American side of that island" and Porter holding "that it ought to run through the channel on the British side." Complains that Vaughan has attributed to him "certain principles" that he "never acted upon" and "has himself assumed, with great confidence, and as undeniable, a proposition in regard to" the duties of the commissioners, concerning the location of "the middle of this water communication, or of the space included between the main land on either side of it," which "the minister himself will find, on a little reflection, to be unsound." Points out that "St. George's island belongs, upon Mr. Vaughan's own principles, to the United States." Lists the rules adopted informally by (John) Ogilvy and himself, when the commission was first appointed, "to be observed in tracing the boundary" in conformity with the language of the Treaty of Ghent. Notes that these rules were not entered in the journal of the commission "for the obvious reason that they constituted no part of the acts which" the commissioners "were required to perform but related merely to the manner of discharging...[their] duties." States that (Anthony) Barclay, Ogilvy's successor, has committed himself to only one of these rules, "the one which requires that the boundary should invariably be a water line." Explains that the St. Lawrence River, "From Prescott to St. Regis...is a continued succession of chutes, so rapid and precipitous as to exclude altogether (practically and prudently speaking) the idea of navigation," and, consequently, "the question of navigation" was not a factor in fixing the boundary in that area. Asserts that in "the early projects of a boundary" Barnhart's Island "was placed on the British side of the line" but that Barclay gave it up in return for other islands in the river. Declares that "There is in truth no analogy between the two cases on the St. Lawrence and St. Mary [sic] River, and which he [Vaughan] has endeavors to assimilate." Notes that "the Longue Saut," in which Barnhart's Island is located, is not navigable, while "the channel on the British side [of St. George's Island]...affords a good ship navigation..." Contends that "the concession which" Vaughan "requires from the American government of the right of navigation along the south side of Barnhart's island (even if accompanied by a cession of that island) would not, in the smallest degree better their navigation"; suggests the exchange of Barnhart's and adjacent islands, belonging to the United States, "or a right to use what
APPLICATIONS, RECOMMENDATIONS

OCTOBER 31, 1826

MILTON GREGG, Lawrenceburg, Indiana, states that he and (David V.) Culley “are again applicants for the public printing”; recalls to Clay that their application “last winter” was supported “by your friend Judge Holman . . .” (see above, Holman to Clay, October 24, 1825), to whom Clay replied that he would do all in his power for the editors “consistant [sic] with an established rule of the Department, never to dismiss a public printer without a good cause”— (cf. above, Clay to Holman, November 6, 1825). Presents figures to show that the circulation of the (Lawrenceburg Indiana) Palladium far exceeds that of the “[Brookville] Franklin Repository, the paper at present under the
patronage of" Clay's "Department"; and adds: "If this is not sufficient to establish our claims to the public printing in preference to the Repository you will confer a favor by informing me what is sufficient." ALS. DNA, RG59, P. and D. of L.

JAMES NOBLE, Richmond, Indiana, recommends the Richmond (Indiana) Public Ledger to publish the laws. ALS. Ibid.

Bill from Columbian Institute

Honble. Henry Clay, [November, 1826]

To the Columbian Institute, Dr.

1826. For balance of annual dues, as a resident member, to the close of the present year. . . $10.

William Lambert, Treasurer.

The Columbian Institute for the Promotion of Arts and Sciences, located in Washington, had been founded in 1816 and chartered by Congress in 1818. It became dormant before its charter expired, in 1838.

Of Virginia, a clerk in the Pension Office. Long interested in astronomy and mathematics, Lambert read numerous papers on these subjects to the Institute. He had been commissioned in 1821 to determine the meridian of Washington, a task in which he was aided by William Elliott.

To Peter Force

Wednesday morning [November 1, 1826]

Mr. Clay's compliments to Mr. Force and enquires if the article sent by Mr C. to Mr. F. on Sunday, explanatory of the Guatemala treaty was omitted from the Journal this morning through mistake?

Mr. C sends a George Town (Kentucky) paper from which he thinks that an article which is marked may be usefully copied into the Journal.

From Edward Charless

St Louis November 1st 1826—

Yours of the 15th. ultimo has been received and I am extremely glad that I can without delay comply with your request.

The Writings of "Curtius" (as you will perceive) have been reprinted, in pamphlet form—and circulated very extensively—and it is expected will have the desired effect.

Col Benton is daily becoming more unpopular amongst the
people and there are those who will never let him rest while he has a vulnerable part. There is now a majority in the legislature opposed to him—if it can be rightly managed and the whole strength thrown upon one man, in opposition, the Col. must certainly be beat.

It is expected that Mr. Scott, our present Representative will be the successful candidate. — The author of the “Torch Light” is. . . .

Very Respectfully
Your obt Sert
Edw’d Charless
Hon H Clay

ALS. DNA, RG59, Accounting Records, Misc. Letters. Endorsed by Clay: “Mr. Charless. with his a/c for public printing.” Edward, son of Joseph Charless, had been born in Philadelphia shortly before the family moved to Kentucky. He had learned the printing trade under the direction of his father and, in 1822, had purchased the St. Louis Missouri Gazette, which his father had previously sold to a third party. Edward Charless had changed the name of the paper to Missouri Republican, had taken Josiah Spalding as partner, and, in 1826, had purchased Spalding’s interest in the establishment.

1 Eight articles that had appeared over the signature, “Curtius,” in the Missouri Republican had been published, as a pamphlet, under the title, Torch Light, An Examination of the Origin, Policy, and Principles of the Opposition to the Administration, and an Exposition of the Official Conduct of Thomas H. Benton, One of the Senators from Missouri . . . ([St. Louis], 1826). The articles were also widely published in other newspapers.

2 Thomas Hart Benton.

3 The name written by Charless has been crossed out. “Henry S. G y r, Esqr.” can still be seen. Henry Sheffie Geyer, a lawyer, born in Maryland, had served in the War of 1812, after which he had settled in St. Louis. He had been a member of the Territorial legislature, the Missouri Constitutional Convention, and, several times, of the State House of Representatives, where he was twice chosen Speaker. He was elected to the United States Senate in 1851.

Receipied Account from R[ichard] Forrest

[November 1, 1826]

The Honb. H. Clay To R. Forrest
To 1 Quarter’s [sic] House rent from April 9th. to July 9th. 125.00
To ditto from July 9th. to October 9th. 125.00
250.00

Rec’d Novr. 1st. 1826 the above in full

Richd. Forrest

P.S. Should Mr. Clay have advanced any thing for repairs within the periods above mentioned, R. F. will be willing to make the proper deduction.

ADS. DLC-TJC (DNA, M212, R16). See above, Check to Forrest, October 31, 1826.

From Robert H. Goldsborough


I find that a friend of the V Presidents, well known to me, is
making great exertions to extend prejudices agt. the Administration throughout this State. Maryland has been in a great degree dormant upon the question of next Presidt., although I am persuaded that a considerable majority of her people are friendly to the existing administration—yet if opposition is permitted unmolestedly to pursue its course, the probability is it will succeed in its object.

Their industrious exertions must be met with corresponding [sic] ones on the part of the frinds [sic] of Administration, that the ardor and strength of the latter may be made apparent for the purpose of attaching to them the supine, the undetermined, and the trimming politicians of the day, who constitute in every State a body so numerous as to make them a great object in an excited election.

I have taken the liberty of enclosing to your care for the Nl. Journal the review You find within,² which meets some of the points taken by the gentleman above alluded to in his late correspondence with one of his Constituents, when he declined an opposition to Mr Weems³ for Congress, on the ground of his being a Jacksonian. This Gentleman I understand, indeed it is obvious from its contents, has preoccupied the old federal press at Annapolis⁴ as an opposition press, and through that medium procures the circulation of extracted as well as original pieces in favour of Genl Jackson, a man of high merit and of much consideration among us, but one, in the opinion of a multitude of us, wholy [sic] unfit for the Presidential Chair. I mean to criticise the productions of this press and to use some exertion to engage the Country presses on this shore, and as far as I am able, on the Western shore, to take their stand at once to resist the operations of Opposition.

Whatever I write in the press over me [sic] is known at once, and although that has always been and is still indifferent to me as to all consequences, yet it is better that the author of a communication shd. not be known; for if the piece has weight and merit, the opponents have always the address to draw off the public attention from the production itself to the Author, and by that means impair with many the good effect it might have been calculated to have produced. This together with my being entirely unacquainted with the Editor of the Journal⁵ induces me to presume so far upon the friendly relationship existing between us as to ask the favour of You to forward the enclosed, sub silentio, to the Journal, from whence I can have it extracted here. Another consideration too is, that pieces extracted from Journals near the highest sources of information, are read with avidity in the Country and wear increased influence.

I hope I shall not be considered as troublesome to You, or as asking that which will be in any wise inconvenient to You. Obliged at this time from domestic circumstances to be retired, I have some
leisure on my hands, and I mean to indulge myself, as I have always done, in aiding to give a tone and a direction to public sentiment to advance the men and to promote the measures most conducive to the honor and Welfare of our common Country.


ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay on verso: "Answd. 9h Nov 1826." Answer not found. 1 Virgil Maxcy; John C. Calhoun.


3 John C. Weems.

4 Maryland Gazette.

5 Peter Force.

From James Lloyd

Dear Sir— Boston November 1. 1826.—

—I have been favored with your letter of the 21st. ulto.—to the decision in which I shall of course conform.

—By a late arrival from England, I have received in a pamphlet form, a second edition of the speech of Mr. Huskisson in the House of Commons, on the 12th of May last, on the present state of the shipping interest of Great Britain, with an appendix, which has been recently re-published in England, after as I am informed having been revised by himself. 1—

The speech contains so frank an exposition of the English doctrine, both ancient & modern, in reference not only to the navigation of Great-Britain but of other Nations, & is withal, so full of matter, not unimportant to ourselves, that I am induced to forward it to you herewith, & to take the liberty of commending it to the perusal of the President & yourself, should it not otherwise have attracted your attention;— it appears to me to develope objects, which however justly suspected, have never been heretofore so openly avowed.—

—if the pamphlet had previously reached you, I should be glad to have the one now sent, returned.

—Of an arrangement at London, of the question of the Colonial intercourse; from the signs of the times I have had little expectation, since the issuing of the unexpected, sweeping & peremptory order in Council of July 27th. 2— and have now none.— —It will therefore become a topic of Congressional discussion, which leads me to place under cover, the report of the Committee of the Senate of the last Session, 3 and which arose, as you will recollect, principally from the strong reliance that was placed, on a successful issue to the negotiation, & the preference that was entertained for that mode of adjusting interests, so long contested, & so complicated.—
With great respect I have the honor to be Dear Sir Your Obedt St
The honorable H: Clay Secy of State of the U.S. &c &c &c

ALS. PHI.

2 Cf. above, Gallatin to Clay, August 19, 1826.
3 See above, Lloyd to Clay, October 16, 1826, note.

INSTRUCTIONS AND DISPATCHES

To Heman Allen, no. 4. Acknowledges receipt of his dispatches through no. 38 (July 29, 1826); transmits "a Letter of recredence, addressed to the Government of Chili," relative to his return home. Bids him, when taking leave, "to repeat the friendly and cordial sentiments of" the United States toward Chile; to express regret that claims of citizens of the United States against Chile "remain unsatisfied"; to state a hope that (Samuel) Larned will have "better success" in this regard; and to "signify the expectation of the Government of the United States, that the Republic of Chili will appoint some one to reside near them, in order to conduct, with more advantage, the friendly intercourse between the two Countries." Instructs him to leave the legation "to the hands and care of Mr. Larned, as Chargé d'Affairs"; expresses the President's approval of his conduct of the mission; and encloses a letter from the Secretary of the Navy (Samuel L. Southard) authorizing passage home, on a vessel of the Pacific Squadron, for Allen and his family. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 174-75 (M77, R6). L draft, with interlineations by Clay, in DLC-HC (DNA, M212, R7).


From [ohn] J. Appleton, Stockholm, no. 1. Reports that he has "been duly recognised as the Chargé d'Affaires of the United States"; summarizes the discussion during his interview with the Count of Wetterstedt, who "expressed a hope that" Appleton "had come provided with instructions for the renewal of the treaty expired in May last" (cf. above, Stackelberg to Clay, September 26, 1826); notes his response, that he expected to receive instructions; states that "a Treaty of commerce and navigation," based on "the principle of perfect reciprocity," has been signed by Denmark and (the Kingdom of) Sweden and Norway, but that "The colonies are not embraced in this Treaty"; adds that "the Prussian Minister, Mr. Tarach, has just received instructions for the negotiation of a Treaty of Commerce and Navigation"; encloses a copy of the treaty of commerce and navigation between "this Government . . . and that of Great Britain of the 18th of March last . . ." ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6). Received January 14, 1827. The Prussian Minister was François Frederic Louis de Tarach, not further identified. The treaty of Sweden and Norway with Denmark, not signed until November
From Robert Montgomery, Alicante. States that a large sum of money raised by the Spanish Government to pay the Dey of Algiers (Hussein) "for arrears of tribute &ca.," has been used by the King (Ferdinand VII) to defray the expenses of a visit to "the baths of Solan de Cabra" and that the Algerines are "capturing every vessel they can find" and "have made incursions into the country," carrying off booty, men, women, and children. Reports a contract by which the Spanish Government has given Henry O'Shea (not further identified) a monopoly on the importation, manufacture, and sale of tobacco in Spain for ten years in return for an annual payment of $4,000,000. Predicts that "The French are again going to interfere in the politics of this Country; and a change in the form of Govt. will shortly take place." Notes that, since the beginning of troubles with the Algerines, "foreign vessels . . . are permitted to carry on the coasting trade" of Spain, an employment that would be profitable for American small craft "were it not for the tonnage duty."

MISCELLANEOUS LETTERS

From Charles Bulfinch, Washington. Refers to passage by the House of Representatives on "the 19th of May last," of a resolution authorizing employment of William Strickland and "the Architect now employed in completing the Capitol" (Bulfinch), to devise "a plan for improving this Hall, so as to render it better suited to the purposes of a deliberative assembly"; notes that Strickland visited the city for one day on July 1 and for several days beginning October 21 and that he "agrees with the report of the Architect, made in 1822, that the only effectual remedy against the reverberation of sounds would be a flat ceiling; . . . but, as such a ceiling would reduce, perhaps injuriously, the cubic volume of air in the room, and impair the beauty of its form and proportion, he suggests the breaking of the present smooth painted surface of the dome into deeply sunk caissons, in the manner of the ceiling of the Senate Chamber and of the Rotundo [sic]." Adds that "it was agreed that it would be of advantage to fill solidly under the floor of the circular space outside of the bar of the Hall." Stresses his own fear that the sinking of "deep coffers or caissons" may not "afford a complete remedy of the difficulty of hearing and speaking." Copy. House Docs., 19 Cong., 2 Sess., no. 93, pp. 9-10. Addressed: "To the Honorable the Secretary of State, Secretary of War [James Barbour], and Attorney General [William Wirt]," members of a committee appointed by the terms of the House Resolution of May 19. The resolution was reported, but no action on it is indicated, in U.S. H. of Reps., Journal, 19 Cong., 1 Sess., 602. Cf. above, Strickland to Clay, October 31, 1826.

From H[arrison] G. Otis, Boston. Refers to "documents which accompany this letter" (which apparently include the letter, above, from Ritchie to Clay, October 30, 1826) and to his own earlier communication (above, January 10, 1826) relative to the export tax on money, derived from sales of foreign owned property in the Danish islands; declares that "the late Treaty" (above, April 26, 1826) did not remove the grievance; speculates on the reasons for this omission; points out that Great Britain succeeded, by means of "a supplementary Convention" with Denmark, in obtaining a remedy against "this want of
reciprocity”; states his wish to join Ritchie in inviting Clay’s attention to the matter. I.S. DNA, RG59, Misc. Letters (M179, R64).

From William Read, Philadelphia. Encloses “a Schedule of his claims, the Consequence of Capture by the French in the West Indies.” ALS. DNA, RG76, Misc. Claims, France. The enclosure notes that Read as head “of the late firm of William Read & Co. of Philadelphia” and as administrator of the estates of Archibald W. Call and George Plumsted, also of Philadelphia, is filing a claim for $94,560.74 for loss of the ship New Jersey in 1798. The claim, enlarged to $136,800, ultimately was rejected by the commissioners acting under the terms of the convention of 1831 with France. Sen. Docs., 23 Cong., 1 Sess., no. 417, p. 68. None of the parties to the claim has been further identified.

APPLICATIONS, RECOMMENDATIONS November 1, 1826

Nathanael G. Maxwell, Baltimore, solicits employment as a clerk. States that he was, “a few days since,” introduced to Clay by “Doctor [Tobias] Watkins”; that he is “the Son of a Revolutionary Patriot” and a kinsman of “General [Nathanael] Greene”; that he was formerly employed as a clerk by Paul Hamilton, both in South Carolina and in the Navy Department; and that he has “been engaged for many years past, in the publishing and bookselling business. . . .” ALS. DNA, RG59, A. and R. (MR3). Maxwell has not been further identified. Cf. below, Clay to Maxwell, November 2, 1826.

James S. Thompson, New York, solicits appointment as a bearer of dispatches. States that he is an Army officer, attended West Point, and knows French and Spanish. ALS. DNA, RG59, A. and R. (MR4). Thompson, of Maryland, had entered the Military Academy in 1821, had been commissioned a second lieutenant in the infantry in 1825, and was promoted to first lieutenant in 1833. Some time after his graduation from the Academy, he changed his name to Henry St. James Linden.

On November 4, by direction of the Secretary, Daniel Brent replied that the Department had no need for a special messenger. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 415 (M40, R19).

To Nathanael G. Maxwell

Dear Sir

Washn. 2d. Nov. 1826

Although it is not usual to answer letters making applications for public employment, I cannot deny myself the satisfaction of acknowledging the receipt of yours’ of yesterday. Since I have been in the Department of State there has not been a solitary appointment to any office attached to it, of any description, from the first Clerk to a Messenger. Nor am I able to say when any vacancy will occur. Our practice is to place the letters on file and to consider the pretensions of the applicants when the occasion occurs for making an appointment. That is the only disposition I can now make with yours. We want some additional Clerks acquainted with Foreign languages, but it depends upon Congress to grant them or not.
November 2, 1826

Regretting that I cannot give you a more encouraging reply I am Respectfully Your ob. Servt.

H. Clay

Mr. N. G. Maxwell.

ALS. ViHi.

DIPLOMATIC NOTES

November 2, 1826

From Joaquim Barrozo Pereira, Philadelphia. States that the constitution granted by Pedro IV to Portugal has been sworn to by “the Princess Regent [Isabel Maria], the Court and all classes of Citizens”; that “opposition ... by a few soldiers ... was promptly ... quelled”; and “that the Princess Regent and the Ministry ... are ... determined to adhere to the Constitutional Chart [sic] ...” ALS. DNA, RG59, Notes from Portuguese Legation, vol. 2 (M57, R2).

INSTRUCTIONS AND DISPATCHES

November 2, 1826

From [Thomas L. L. Brent], Lisbon, no. 34. Reports that rebel troops in Algarve (above, Brent to Clay, October 25, 1826) have “gone into Spain where they were well received and at the same time disarmed”; that deserters from the province of Tras os Montes also have entered Spain; and that “an attempt was made to suborn the regiment of marines in garrison in this city ...” with money and forged orders. Adds that British marines stationed near the palace of the Regent (Isabel Maria) “have been reembarked.” States that he has learned that the Emperor of Austria (Francis I) has advised the Infante Dom Miguel “to conform to the will of his brother” (Dom Pedro) and that on October 4, the Infante took the oath to the constitution and applied for a papal dispensation to marry his brother’s daughter, Maria (da Gloria). Describes the ceremonial opening of the Cortes; summarizes the Regent’s speech from the throne; and encloses copies of translations of the same and of a response given (by the Duke de Cadaval) in behalf of the Chamber of Peers. Observes that the Infante’s delay in taking the oath has encouraged disaffection to the constitutional regime. Says that the return of the Portuguese Minister to Madrid (Count de Vila Real) is expected and that the departure of the Spanish Ambassador (Count de Casa Flórez) is likely. Copy. DNA, RG84, Records of the Foreign Service Posts, Portugal (MR18). LS, not found with enclosures filed in DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Dom Nuno Caetano Alvares Pereira de Melo, sixth Duke de Cadaval, had spent his early years exiled in Brazil; had returned to Portugal in 1816; and had become a member of the regency in 1826. He served as president of the Chamber of Peers; supported Dom Miguel’s usurpation of the throne in 1828; and went into exile following defeat of the absolutists in 1834. The Count de Casa Flórez had served as Spanish Minister to Brazil (1817-1829) and was Ambassador to Portugal (1825-1827).

MISCELLANEOUS LETTERS

November 2, 1826

From Thomas R. Mercein, New York. Mentions having received from Daniel Brent a letter from the State Department to (John M.) Forbes, relative to the Hope (see above, Mercein to Clay, April 21, 1826, note), and having returned
it to the Department because it bore no signature and was accompanied by no other documents bearing on the case; reminds Clay that documents were forwarded to him "about 6 months" ago; solicits a dispatch to Forbes, which Mercein will forward. ALS. DNA, RG76, Misc. Claims, Buenos Aires. On July 22, 1826, Brent had acknowledged receipt of a communication, of July 12, from Mercein, returning the dispatch to Forbes for the reason mentioned above. At this time Brent had sent the dispatch, signed, back to Mercein. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 357.

In reply to the letter of November 2, above, Brent on November 10 sent to Mercein a copy of his letter of July 22 and offered to transmit to him "a duplicate of the letter to Mr. Forbes, which it enclosed. . . ." Ibid., 419.

From Peter B. Porter, New York, "Private." States that he intended accompanying his "official letter of yesterday [i.e., October 31, 1826], with a private one." Adds, however, that he "had but barely time to prepare the one before the departure of the Mail." Recalls that he has intimated to Clay his belief that (Anthony) Barclay "has been constantly acting under private and specific instructions . . . by his government [sic]; and that, to this cause principally are to be ascribed the delays & embarrassments" in the negotiations; asserts that "The first paragraph of the British Minister's letter [above, Vaughan to Clay, October 23, 1826] . . . confirms this belief [sic]." Explains his view of the difficulties encountered by the commission: "The British government is dissatisfied with the boundary under the 6th. article [of the Treaty of Ghent], and wish to alter it— But as it has been established in strict conformity with the provisions of the treaty, it cannot now be changed but by a new negociation between the parties: and the present difficulties are interposed for the purpose of laying a foundation for such negociation." Describes the discussions, within the commission, by which agreement was reached on the boundary in the St. Lawrence River, excluding the British from the channel near the American shore; notes that, if the British "are again desirous of a participation in this navigation, so are we desirous of one in the navigation of the river from St. Regis to its mouth." Declares that "The navigation of the river throughout would be of immense importance to the people of the west, and Great Britain might as well grant it now, with a good grace & as a matter of friendship & favour, as to be obliged, as she otherwise will be, shortly, to yield it per force." Refers to "points of difference" between himself and Barclay "beyond Lake Superior" and presents Barclay's offer "to enter & around [sic] the Pigion [sic] river & proceed to Lake Nemican [sic] by a water communication some what to the south of the one proposed, by way of compromise, by . . . [Porter]— Provided however that the grand portage shall remain free to both parties." Expresses a belief that he is not "authorised to entertain such a proposition" and asks for instructions. ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Art. VI and VII, env. 1, folder 1, item 74.

The Grand Portage extended westward, from a point on Lake Superior south of the Pigeon River, to a junction with that stream Namokan (Namakan) Lake lies farther to the west.

APPLICATIONS, RECOMMENDATIONS November 2, 1826

L[ewis] Summers, Charleston (Virginia), recommends (Mason) Campbell, editor of the (Charleston) Western Virginian as publisher of the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, Baldwin to Clay, January 25, 1826, note.

From William W. Worsley

Dear Sir,

Louisville, 3 Nov. 1826.

I have at length got to this place with my family for a permanent settlement. The first No. of the Focus will be issued in about three weeks.\(^1\) My prospect for ultimate success is certainly highly flattering. The paper will commence with upwards of 400 subscribers, with a probability of great increase after the publication is commenced.

There was a dinner given a few days ago by the Bar of this place to the ex-judge Oldham.\(^2\) I am told there were but two persons present friendly to the administration, and one of them was an invited guest. They nearly all got tipsy, and Old and New Court men, who had been bitter enemies, amalgamated in the most friendly manner, for the purpose of uniting against the common enemy. There is to be a dinner to-day, which they call a compromise or conciliating feast. I can hear, however, of no distinguished anti-relief or administration man being invited. The guests invited are Joseph Desha, Tom Moore,\(^3\) Amos Kendall, and the like. I have no doubt that the object is to produce a union, as far as practicable, among relief and anti-relief men in favour of Jackson. J. Rowan and others are endeavoring to excite hostility to the administration by stating that it has interfered in the local politics of the state in keeping back the appointment of District Judge.\(^4\) — I think it probable Dr. Burr Harrison will be Mr. W's competitor at the congressional election.\(^5\) The prospect of success, however, I consider very gloomy. — The unblushing falsehoods which are constantly put afloat by the friends of Jackson has [sic] had the most deleterious influence on the public mind. No matter how often refuted, they still go on arguing from them as though they were well known, or admitted facts. — Some scoundrel put into circulation lately a report that Mr. Gray\(^6\) was to be removed, and that I was to have his Office as a reward for coming here to defend the administration! This report, I am told, has been spread far and wide, and although preposterous in the extreme, it furnishes a fruitful theme for abuse against the administration, and will have its effect with the ignorant and unthinking part of the community.

You have no doubt heard of the death of Col. Saml. McKee.\(^7\) The people of this place are about to recommend Capt. Shreve as his successor.\(^8\) I am acquainted with Capt. S. and believe him to be
well qualified for the appointment. There is perhaps no man in the world better acquainted with the Ohio and Mississippi rivers.

You will greatly oblige me by sending me two copies of the President's Message, one directed to me at this place, and the other to "W. W. Worsley, care of Forsyth, Dobbin & Co. Wheeling." Should the river be up, I shall get the one sent to Wheeling much earlier.— It would afford me much pleasure occasionally to hear from you. I am aware, however, that you have but little time to spare for private correspondence, owing to the laborious duties of your office. I am, dear Sir, with great respect, Your obt. Servant,

W. W. WORSLEY

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay; marked "Private." Endorsed by Clay on verso: "Answ. 16 Nov. 1826." Answer not found.

1 The first number of the Louisville Focus of Politics, Commerce and Literature, owned by Worsley and edited by Joseph Buchanan, appeared November 22, 1826. The paper was discontinued in 1832.

2 John P. Oldham had been judge of Jefferson Circuit Court from 1819 to 1826. He represented Jefferson County in the State House of Representatives in 1828 and became the postmaster of Louisville in 1836.

3 Thomas P. Moore.

4 Cf. above, Crittenden to Clay, April 27, 1826; Clay to Boyle, October 20, 1826. A widely copied account in Collins, History of Kentucky (rev. edn., 1882), II, 331, states that the judgeship had been offered in May, 1826, to John Trimble, who had declined it because of ill health.

5 Harrison was not Charles A. Wickliffe's opponent in the election, held in August, 1827.

6 John T. Gray.

7 On October 16, 1826. Earlier in the year, on May 19, McKee had been appointed to superintend improvement of navigation on the Ohio and Mississippi Rivers.

8 Henry M. Shreve, born in New Jersey, had been moved as a child to Pennsylvania, where he had become interested in the river trade to the west. For several years before the War of 1812 he had carried on trade between Pittsburgh and New Orleans; he had helped supply General Andrew Jackson's army in New Orleans; and, later, in Louisville, he had built vessels which he operated on the river system. He was appointed superintendent of river improvements on September 10, 1826, and held the position until his retirement in 1841, after which he removed to Missouri.

9 Probably Adams' second annual message, December 5, 1826.

DIPLOMATIC NOTES

November 3, 1826

From HILARIO DE RIVAS Y SALMON, Philadelphia. Informs Clay of a communication from the Spanish consul in Norfolk advising that an agreement with the captors of the Sereno, in the name of the Spanish owners of the vessel, has ended the case. ALS, in Spanish. DNA, RG59, Notes from Spanish Legation, vol. 9 (M59, R-T12). See above, Salmon to Clay, October 10, 1826. Pablo Chacon was now consul at Norfolk.

INSTRUCTIONS AND DISPATCHES

November 3, 1826

To CHARLES W. DABNEY, Fayal. Transmits commission, as "Consul of the United States for the Azores or Western Islands," printed circular instructions, and a blank consular bond. Copy. DNA, RG59, Cons. Instr., vol. 2, p. 405 (M78, R2).

MISCELLANEOUS LETTERS

November 3, 1826

To P[ETER] B. PORTER. Acknowledges receipt of Porter's letter of October 31, which "will fully serve the purpose" Clay "had in view" and permit him "to
November 4, 1826

give a satisfactory answer to the Note of the British Minister." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 414 (M40, R19).

From Ether Shepley, Saco, Maine. Acknowledges receipt of Clay’s letter of October 26; states that he will “immediately repair to Eastport and make the necessary enquiries. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64).

INSTRUCTIONS AND DISPATCHES November 4, 1826

To Samuel Larned, “Secretary of Legation U. S. Chile,” no. 1. States that “Mr. [Heman] Allen has been instructed, by direction of the President, to commit the Books and papers of his Legation to” Larned and to present him “to the Government of Chile, as Chargé d’Affaires of the United States”; that Larned’s “thorough knowledge” of relations between the United States and Chile relieves the “Department . . . from the necessity of giving . . . more than general instructions . . .”; that he should urge “settlement of . . . claims of citizens of the United States upon the Government of Chile, which Mr. Allen had in charge”; and that he “will be entitled to an outfit of $4500, and to a salary at the rate of $4500 a year. . . .” LS. MWA. Copy. in DNA, RG59, Dip. Instr., vol. 11, pp. 175-76 (M77, R6); L draft, in DLC-HC (DNA, M212, R7).

From Albert Gallatin, London, no. 18. Reports having proposed to (George) Canning, who has returned to London, “to accept 270.000 pounds as an indemnity for the slaves and other property carried away contrary to the Stipulations of the Treaty of Ghent”; states his intention of accepting “the £250,000 offered,” if Canning rejects his proposal; reminds Clay “that all that has heretofore passed respecting Compromise has been confidential and unofficial. . . .” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received December 15. Published in American State Papers, Foreign Relations, VI, 351. Cf. above, Gallatin to Clay, September 13 (no. 9), 16, 1826.

MISCELLANEOUS LETTERS November 4, 1826

To Peter B. Porter, New York. Transmits “a Copy of an Extract from a communication addressed by Mr. [Anthony] Barclay to Mr. [Charles R.] Vaughan,” given to Clay “informally by the latter.” Asks “what grounds exist for the complaint” and adds: “we are particularly anxious that there should be no reason to complain of us in any pecuniary transaction connected with your commission.” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 416 (M40, R19). See below, Porter to Clay, November 8, 1826.

From Joseph Delafield, New York. Encloses “copies [not found] of the claims and arguments, and of the evidence in support of those claims, submitted by the Agents of their respective Governments to the Boundary line Commissioners at their present sittings.” Refers to the map enclosed in his letter of October 28 “in illustration of the accompanying documents.” States his belief that (Peter B.) Porter will wish to retain “the maps and surveys of the Boundary line” already fixed, “until the whole subject is finally disposed of. . . .” ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Art. VI and VII, env. 1, folder 2.

From Peter B. Porter, New York. Reports “a conversation . . . with Mr. [Anthony] Barclay on the subject of Barnharts island, and of the absurdity
of associating it, in point of principle, with St. Georges Island" (cf. above, Porter to Clay, October 31, 1826). States that Barclay nevertheless argues: "that the cases are analogous, because the only navigation through the Long Sault is by the American channel— That he was perfectly aware of this fact at the time of signing the award under the Sixth Article [of the Treaty of Ghent]. But that one principal inducement to assenting to the line he did, was founded on a belief that this, as well as every other part of the water communication along the line, would, by the laws of nations, be free to each party." Points out that, earlier, in regard to "the navigation of the Detroit river," the United States had asserted to "a declaration . . . that the navigation of all the waters which constitute, by the treaty, the boundary between the two countries, should be free to both, without reference to the territorial division established by the line," but the British Government had rejected the proposal, "from an apprehension, no doubt, that the principle once adopted, might be conveniently appealed to hereafter by us, for the purpose of gaining the navigation of the St. Lawrence to its mouth . . ." Gives "these hints . . . in the hope they may be" useful should Clay engage "in a negotiation about the navigation of the St. Lawrence." ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Art. VI and VII, env. 1, folder 1, item 75.

INSTRUCTIONS AND DISPATCHES November 5, 1826

From J[OHN] J. APPLETON, Stockholm. Encloses a copy and a translation of the note by which (Luigi di) Medici acknowledged receipt of Appleton’s letter of August 18 “announcing the termination of” his “Agency and the view taken by” the Government of the United States “of its claims against that of Naples.” ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R-T6). Received January 29, 1827. In the enclosure, dated August 31, 1826, Medici refers (concerning claims) to the statement made orally to Appleton in November (1825). Cf. above, Brown to Clay, December 12, 1825; Appleton to Clay, February 14, August 30, 1826.

From J[OHN] J. APPLETON, Stockholm, no. 2. Reports an interview with the King (Charles XIV), who expressed interest in the States of South America and gratitude toward the United States for its reception of General (Jean Victor Marie) Moreau and the Count of Survilliers (Joseph Bonaparte). ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R-T6). Received January 14, 1827.

From ALBERT GALLATIN, London, no. 19. Reports an interview, on November 4, with (George) Canning, who was mainly concerned about Gallatin’s “note to him of 22nd September last on the Subject of the Colonial Intercourse” and how he might respond to it. States that, when Gallatin referred to (William) Huskisson’s “declarations in his Parliamentary Speeches” announcing “the policy of England to favour the navigation of other less dangerous nations than the United States, formidable rivals in time of peace &c” (cf. above, Rush to Secretary of State, March 26, 1825, note; Gallatin to Clay, September 22, 1826), Canning alluded defensively to the report of a congressional committee, relative to “the territory west of the Stony Mountains,” which, he thinks, “has almost the appearance of a Manifesto issued on declaring war.” Comments that he “allowed that there were indeed some very strong expressions in the report in question” but pointed out that it was only a report of a committee, of which (Francis) Baylies was chairman, that it did not represent the opinion of the
November 6, 1826

Government, and that it had not been “taken into consideration by the House of Representatives.” Notes that “Mr. Canning said it was a dangerous power we gave to our Committees. . . .” Adds his “general impression” that “an arrangement respecting the Colonial Intercourse” will have to be made “by a mutual understanding, and not by Convention.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received December 15.

The report to which Canning objected, the second during 1826 from the select committee chaired by Baylies, contained the following language: “The indifference of America stimulates the cupidity of Great Britain. Our neglect daily weakens our own claim, and strengthens hers; and the day will soon arrive, when her title to this Territory, will be better than ours, unless ours is earnestly and speedily enforced.” House Repts., 19 Cong., 1 Sess., no. 213, p. 22.

APPLICATIONS, RECOMMENDATIONS November 5, 1826

WALTER FORWARD, Pittsburgh, recommends Benjamin R. Evans of Pittsburgh for appointment as “Secretary of Legation to the Mission to Panama.” ALS. DNA, RG59, A. and R. (MR2). Forward, a Pittsburgh lawyer, born in Connecticut, had been for a time a newspaper editor and had served in Congress, from 1822 to 1825. One of the founders of the Whig Party, he became First Comptroller of the Treasury in 1841; Secretary of the Treasury, 1841-1843; and Chargé to Denmark, 1849-1851. Evans, not further identified, did not receive the appointment.

H[ENRY] S. G. Tucker refers to the vacancy created by the “death of Mr. [John B.] Dabney Consul at Faval” and adds that “his friends in this place are desirous that it may be filled by his son” (Charles W. Dabney). Concludes: “I avail myself of this occasion of acknowledging the receipt of your note [not found] by Mr. Anderson [not identified] in which it gives me pleasure to discover a continuance of your kind dispositions to me.” ALS. Ibid. Unaddressed. Cf. above, Clay to Dabney, November 3, 1826.

SAMUEL B. WALLING, Richmond, Indiana, reports the withdrawal of (Edmund S.) Buxton from the firm publishing the (Richmond) Public Ledger and applies for appointment to publish the laws. ALS. DNA, RG59, A. and D. of L. Cf. above, Hendricks to Clay, September 21, 1825, note.

To James Cooley

No. 1 James Cooley, appointed Chargé d’Affaires U. S. to Peru


The President having, by and with the advice and consent of the Senate of the United States, appointed you Chargé d’Affaires to the Republic of Peru, I transmit, herewith, your Commission, together with a Letter of Credence to be presented to the Minister of Foreign Affairs1 of that Republic, on your first interview with him. You will proceed to Peru, without any unnecessary delay, and by such rout [sic] as may appear to you most convenient and agreeable. On your arrival there, it will be the object of your
duty, generally, to take care of the interests of the United States, and of their Citizens, in the discharge of which you will be governed by such instructions as may now, or hereafter, be given to you, and when these are silent, by the public Law applicable to the particular case calling for your interposition. The wish of the President is to establish the most amicable relations with the Republic of Peru, and, on all occasions, to cultivate that harmony and good will which should prevail between the United States and that Republic.

The first object which should claim your attention is that of the state of the commercial regulations of that Republic, as applicable to the United States. Information has heretofore been communicated to this Department that the produce and Manufactures of the United States were subjected, in the Ports of Peru, in some instances, to higher duties or charges than similar produce or manufactures of other Foreign Countries, and, particularly, of Great Britain. If you find our trade labouring under any such disadvantage, you will earnestly, but respectfully, remonstrate against the inequality, and persevere in your efforts, until it is removed. And you will firmly resist any future attempts that may be made to subject us to that disadvantage. The Government of the United States has never sought for their Commerce and Navigation, in the Ports of the Republics of the South, any preference injurious to other Nations, American or European. All that it has desired has been fair competition with other Nations, and reciprocity with each of those Republics. These principles are so obviously equitable and just that it is confidently hoped you will have no difficulty in enforcing and preserving them. Whilst the Government of the United States disclaims all selfish considerations, in the liberal policy which it has observed towards the new Republics, it may, at least, appeal to the fact of its early, uniform, and efficient friendship, often and perilously manifested, as furnishing a motive for denying to the Commerce and Navigation of other Foreign Nations, any favours or advantages which are not equally extended to the United States. In respect to a treaty of Amity, Commerce and Navigation, you may inform the Government of Peru that the United States will be ready, at any time, to conclude such a treaty, upon the most liberal bases. Instructions would now be given to you to open a negotiation for that purpose, but that it is expected that the subjects of commerce and navigation will be among those which will engage the attention of the Congress of American Ministers which will shortly assemble in the neighbourhood of Mexico. You will state that those who will represent the United States in that Congress will be expressly instructed and empowered to treat there on those subjects. If, however, the Republic of Peru should desire to enter on a separate negotiation, in regard to such
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a treaty, unconnected with that Congress, the President has no objection to comply [sic] with its wishes in that respect; and in that case, he would prefer the negotiation to be conducted here, but will acquiesce in its being opened at Lima, if that should be insisted on.

Among the interests which should early engage your serious and efficient attention, are the claims of citizens of the United States, founded on wrongs which they have suffered in the prosecution of the existing war between Peru and Spain. During the blockade, especially of the Port of Callao, by the Republican forces, whilst it was in possession of the Royalists, several instances of outrage upon the property of citizens of the United States, were perpetrated, which demand prompt and adequate redress. Papers relating to some of these cases, received at this Department through that of the Navy, are now placed in your possession. They are accompanied by an abstract of their contents, prepared in this Department, which you will find marked A. The character of the injuries which they disclose, is such as to authorize the expectation that the Government of Peru will, as soon as they are made known to it by you, command full indemnity, immediately to be made. You will perceive, on a perusal of those papers, that the Commander of the Blockading Squadron, more than once, extorted from citizens of the United States large sums of money, upon the pretext of their having committed violations of the Law of Blockade, when, in fact, they were innocently pursuing a lawful neutral trade. The mercenary and discreditable nature of these exactions requires no comment, but they do require not only that the American citizens, from whom they were made, should be fully indemnified, but that the officer who could so abuse the power with which he was entrusted, and so far forget the dignity of his station, should be brought to condign punishment. And you will, accordingly, demand both.

Considered in reference to the magnitude of the loss which the parties have sustained, and the extraordinary circumstances under which the vessel and cargo were seized, detained and finally condemned, the case of the General Brown and her cargo is entitled to your special attention. All those circumstances are so minutely detailed in the papers now confided to you, and, particularly, in the protest of James Copeland, the Master and Supercargo of the Ship, in the private journal kept on board the vessel, and in a brief of the case, prepared by Mr. Ogden, the Counsel of the Owners, that a narrative [sic] of them is not necessary to be repeated here. It appears that the vessel was twice acquitted, once by an inferior tribunal, and again on appeal; and that, subsequently, a new Court of Appeals was organized, and, according to the protest
of the Supercargo, organized expressly with a view to the particular result of the condemnation of vessel and cargo. Whether that was the design or not, the irregularity is manifest, of allowing a second trial before an appellate tribunal of no higher grade than that which had previously pronounced a judgment of acquittal. But there was really, no ground whatever, for the condemnation. The vessel sailed from Gibraltar in the fall of 1824, bound to the ports of the Pacific. Considering the length of the voyage, the distance, between the ports of her departure and destination, and the great vicissitudes and uncertainty in the state of the war, raging on the coast of the Pacific, great allowance ought to have been made as to the want of information of the vessel, on her arrival off that Coast, in regard to the exact condition of belligerent operations. It is incredible that the vessel should have left Gibraltar with the design of committing a breach of the blockade of Callao, of the existence of which her commander was ignorant when he sailed, and which, if he had then known, he could hardly have anticipated the continuance on his arrival. Such supposition is absurd, when we consider the insignificance, compared to the value of the residue of the Cargo, of the articles of alleged Contraband, which were unknown to the Commander to be on board. In fact he did not intend, nor attempt, to enter the blockaded port, but laid off, waiting its surrender to the Patriots, under the capitulation of Ayachuco, of which there existed a daily expectation. Finally, he went into the port of Chorillos, by the advice of Admiral Blanco, the Commander of the Blockading Squadron, and under an agreement with him to deliver up the Spanish property on board, as lawful prize of war, and that the remainder of the property should be unmolested. That agreement was faithfully executed so far as depended on the Supercargo; and, in violation of it by Admiral Blanco, the vessel and the whole of the Cargo were subsequently seized and condemned as before stated. The nature of this transaction is such as to leave us entirely unable to perceive any other motive for the conduct of Admiral Blanco than that he found himself incapable of withstanding the temptation arising out of the richness of the vessel and cargo which fell within his mercenary grasp. You will lose no time in pressing the justice of the demand of the owners for full indemnity including interest and damages, upon the consideration of the Peruvian Government.

Besides the claims of American citizens, papers respecting which are now delivered, others will, no doubt, be transmitted to you, during your mission, either by this Department, or by the claimants themselves. With respect to all claims on which you may not be particularly instructed, when your interposition in their behalf is invoked, you will examine them particularly, and afford your aid
only to those cases which are fair and free from taint, and such as by the public Law and usage, the claimants are entitled to the assistance of their Government.

It should be a leading and constant object of your attention to obtain, and communicate to this Department, by every opportunity of conveyance, that may occur, information as well respecting the physical condition of the Country, as the political and moral character of its institutions and inhabitants. The geographical boundaries of the Republic, its connexions with Mexico, Colombia, the Republic of Bolivia, and Chili; the present state of its Government, Revenue, Army and Navy; its prospect of forming a permanent Republican Constitution; the produce of its mines now and formerly; and the state of its relations with European Powers, will all form important matters of enquiry and investigation. You will especially observe the Country with reference to its present or future capabilities of a commerce mutually advantageous to the United States and to Peru, and communicate the result of your observations. We should like, also, to possess accurate information as to the actual condition of the Aborigines within the limits of the Republic. Have they made any, and what, advances in civilization? Are they governed by their own laws, or by those of the Vice Royalty, formerly, and of the Republic, now? Or partly by one code and partly by the other? Have they any civil rights or privileges secured to them, and do they take any, and what part in the government of the Republic? Have they a taste for, and a sense of, the value of, property? Has any progress been made in their conversion to the Christian Religion? What have been, and now are, the means employed to civilize them?

You will avail yourself of every suitable occasion to impress the Government of the Republic of Peru with the friendly dispositions entertained towards it by that of the United States. You will answer in the most frank and full manner, all enquiries touching the practical operation of our Confederacy or any of our institutions. And you should cautiously abstain from treating with disrespect whatever you may remark to be peculiar in the habits of the people of Peru, civil or religious.

By late advices from Lima, it appears that the Government of Peru has adopted a new tariff, which goes into operation early in February or March next. According to its provisions, the general standard of duties which it imposes on importations is thirty per cent; but some articles are subjected to a rate of duty as high as eighty per cent. Among these are understood to be the Domestic fabrics of the United States, and some other interesting articles of our produce or manufacture. The right of a Nation to subject foreign produce or manufactures, admitted into its ports to duties,
with a view to the protection of its own industry, cannot be questioned; but it may be well doubted whether Peru is so situated as that she ought to act on that policy, or if she ought, whether the time has yet arrived for adopting it. Of that, she, alone, is competent to decide. But if she chooses to aim at the protection of her own industry, the Laws ought to operate equally on all Foreign Powers. The United States have, therefore, just cause to complain; and you will, accordingly, make an earnest, but respectful representation against that provision of the new tariff which bears hard, and exclusively upon our commerce. If it should not have been put into operation on your arrival, you will endeavour to prevent it or to get it repealed or modified if you find that it has been enforced.

I am, respectfully, Your obedient Servant

H. Clay.

Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 176-81 (M77, R6). AL draft, in DLC-HC (DNA, M212, R7). On October 25, Daniel Brent had informed Cooley, at Clay’s direction, that "the Secretary . . . would be glad to see . . . [him] as soon as . . . [he could] conveniently come preparatory to . . . setting out upon . . . [his] mission . . . .” Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 170 (M77, R6).

1 José María de Pando.
2 See above, Tudor to Secretary of State, June 12, 1825; Allen to Clay, January 24, 1826; Tudor to Clay, February 28, June 11, 1826; Smith to Clay, October 23, 1826; Clay to Smith, October 26, 1826.
3 Cf. above, Clay to Raguet, October 22, 1826.
4 See above, Clay to Anderson and Sergeant, May 8, 1826; below, Clay to Poinsett, February 28, 1827.
5 Enclosures not found.
6 Manuel Blanco Encalada, who had commanded the blockade of Callao until October, 1825.
7 See above, Tudor to Clay, June 8, 1825.
8 Not further identified.
9 Probably David B. Ogden.
10 Cf. above, Raguet to Secretary of State, March 11, 1825.
11 See above, Tudor to Clay, June 11, 1826.

From James Taylor

Henry Clay esqr Newport Ky Novr. 6th. 1826
Dr Sir

The death of Col R. C Anderson¹ has occasioned [sic] a vacancy which will have to be filled. It was held in a singular way & I am ignorant whether any power exists at this time to fill the vacancy.²

The records of the lands lying in this State & Ohio are blended, and cannot be separated & of course Kentucky will not suffer the Books to be removed from the State.

I do not think Mr Allen Latham, Col Andersons Son in law,³ ought to have the appointment. He has had great advantages over the other deputies, as Col A suffered him to take from his office all the Original Surveys lodged by the different deputies, after he had recorded them, for he Col A. never sent on the Originals but made out duplicates & charged for them, on which Patents were to be issued.
Major Saml. Winston whom you know, is well acquainted in the Va. Military district is an excellent Surveyor & is a good pensman & from his local situation, residing at this place, within four miles of the Va. M. District would place the office within the bounds of this State & be no great hardship to those in Ohio, and if he could receive the appointment would fill it with great propriety. Several of his uncles were in the revolutionary [sic] war, Colo. Joseph Winston distinguished himself at the battle of Kings-Mountain & a Sword was voted by the State of N Carolina but a few years ago. I presume you were acquainted with his uncle William of the revolion [sic] & also of Waynes Army. His father resides in this County, he served several tours in the Militia from N. Carolina.

Majr Winston can get recommendations, abundant of his Capacity & general good deportment.

I set out for Frankfort tomorrow, and write you again from that place. I hope the appointment will not be hastily made as Majr Winston will get proper Vouchers to shew his fitness for such an office & which he will forward, as soon as possible.

It really appears to me that none of Col A. deputies ought to have the appointment being so much interested in the records of the office.

The water communication to & from this point is equal to any in the Western Country, and Stages run from Cincinnati three or four times a week in different directions.

If you deem it proper please shew this hasty letter to our worthy President, and give it the weight you think it merits.

I am Dr Sir with great respect Your obed St JAMES TAYLOR

1 On October 16, 1826.  
2 In 1783 Anderson had been "chosen by his brother officers surveyor-general of the lands reserved to pay the Virginia Continental line, and the selection was approved by the State legislature." These reserved lands were located between the Green and Cumberland rivers in Kentucky and between the Little Miami and Scioto rivers in the area that became Ohio. E. L. Anderson, Soldier and Pioneer: A Biographical Sketch of Lt.-Col. Richard C. Anderson of the Continental Army (New York, 1879) pp. 141-42.  
3 Latham, of Chillicothe, Ohio, had married Maria Anderson in 1822. Born in New Hampshire, he had been admitted to the bar in New Philadelphia, Ohio, and had settled in Chillicothe, where he became a successful lawyer and land speculator. He was appointed in 1829, by President Jackson, as "surveyor for the Virginia military district, within the State of Ohio" and held the office until his resignation almost a decade later. He was a member of the Ohio legislature, 1841-1842. In 1854 he moved to Cincinnati, where he died in 1871.  
4 Not further identified.  
5 Born in Virginia, Joseph Winston had moved to North Carolina in 1766. The sword here mentioned had been among those voted by the North Carolina legislature in 1781 but not presented until later (cf. above, I, 819n). Winston had been several times a member of the State Senate and had served in three Congresses (1793-1795, 1803-1807).  
6 William Winston had been a lieutenant of Virginia troops in the Continental Line and raised from lieutenant to major of dragoons of the United States Army during the action from 1792 to 1796, when he had been honorably discharged.  
7 Probably John Winston.
Dear Sir

The Patriot\(^1\) of today which I send you, will shew you how we go here. There is a busy, but very small, party, really in "the General's"\(^2\) interest. They do not incline to make a nomination for Congress; but they have been very industrious to prevent the re-election of the present incumbent\(^3\) from appearing to be the Act of the Republican Party. The meeting last Evening has settled that matter.\(^4\) There will probably be but few votes given, but they will, I presume, indicate no great division of sentiment.

Mr. Everett is unopposed, so is Crowngshield [sic] & Davis.\(^5\) A counter nomination has been made agt. Bailey, but it will come to nothing.\(^6\) Reed will be re-elected & so will Locke, probably.\(^7\) In the Districts now represented by Lathrop & Allen,\(^8\) there may be some diversity of opinion, & our law requiring a majority, more than one trial may perhaps be found necessary, in their, & possibly in other, Districts. These differences & preferences, however, are all personal or local; the only political change likely to occur being in Bristol District, where a friend to the present Administration will succeed Mr. Baylies.\(^9\)

The results in N. Jersey & Ohio are highly important.\(^10\) I hope they will produce a proper influence on New York. Mr. Rose\(^11\) was here a few days since. He says nobody is proposed on the ground of opposition to the present general Administration; but he knows not what may happen, from other views & motives. The political men in New York revolve round a centre of their own. Their bearing on the general government is uncertain. I think the course which Mr Clinton is pursuing is plain enough. My opinion is, that born to fluctuate between extremes of fortune, he is not now rising; & that his decline is near.\(^12\)

Yours very truly

D. WEBSTER.

The election, it would seem, has declined, on the very eve of the election.\(^13\) I know not the reason.


1 Boston Patriot.
2 Andrew Jackson.
3 Webster, himself, who was re-elected by an overwhelming vote.
4 Reference not found.
5 Edward Everett; Benjamin W. Crowinshield; John Davis.
6 John Bailey was re-elected.
7 Both John Reed and John Locke were re-elected. Locke, a Harvard graduate, had studied law and had settled at Ashby, in 1796, to practice his profession. He had been several times a member of the State House of Representatives, was a member of Congress from 1823 to 1829, and was later a member of the State Senate (1830) and State Executive Council (1831). He was a resident of Boston at the time of his death, in 1855.
8 Samuel Lathrop was not returned; Samuel C. Allen was. The latter, formerly a
Congregational minister, had begun the practice of law in New Salem, Massachusetts, in 1800. He had sat in the State House of Representatives and Senate, was a member of Congress from 1817 to 1829, and was again a State senator in 1831.

9 Francis Baylies was succeeded by James L. Hodges, lawyer, banker, and postmaster at Taunton, Massachusetts. Hodges had served in the State Senate, 1823-1824, and was a member of Congress from 1827 to 1833.

INSTRUCTIONS AND DISPATCHES  
November 6, 1826

From Gioachino Celigioli, Messina. Reports “the sudden death of Mr. John Broadbent United States Consul at this Port”; states that, as “Chancellor of this Consulate,” he has made “the necessary communication to this Government,” which has continued him “in the execution of” this office until the wishes of the American Government can be known. ALS. DNA, RG59, Cons. Disp., Messina, vol. 1 (M-T399, R1). Received March 17, 1827 (duplicate received February 13, 1827). Celigioli has not been further identified. Broadbent, born in England but a resident of Sicily at the time of his appointment, had been United States consul at Messina since 1806.

MISCELLANEOUS LETTERS  
November 6, 1826

From G. T. Beyer, Philadelphia. Inquires whether his claim, mailed in March, 1824, in response to a “notice to Claimants to exhibit their Claims for Slaves, or other private property to the Commissioners appointed under the first article of the Treaty of Ghent, and fifth article of the Convention of London,” was received and what disposition was made of it. Explains that his claim is “for private property (other than Slaves) taken . . . at St. Mary’s in Georgia.” ALS. DNA, RG59, Misc. Letters (M179, R64). Beyer has not been further identified.

On November 10, Daniel Brent replied, by direction of the Secretary (of State), transmitting a copy of a letter from (James) Baker, “Secretary to the Commission under the 1st. Article of the Treaty of Ghent,” in answer to Beyer’s inquiry. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 438 (M40, R19). Baker had been acting consul general for Great Britain in the United States at the time of his election as secretary to the mixed commission, in 1823. After an American residence of eleven years, he returned to Britain in 1827 and later held consular appointments at Mobile, Riga, and Barcelona.

Beyer’s claim was rejected by the Board of Commissioners under the first article of the treaty of Ghent and the Convention of St. Petersburg and, in 1828, the House Committee on Foreign Affairs refused to hear his appeal from that decision. Subsequent petitions for redress were also fruitless.

From William B. Quarrier, Norfolk. States that in February “Eben Babson master of the Am. Schr. Ann Maria then at Bermuda purchased the Draft of Mr. [William R.] Higinbotham” on Clay for $100; Babson tendered the draft to William Z. and C. E. Hall, of Norfolk, who have been unable to collect; inquires “what course” the Halls should pursue. . . .” ALS. DNA, RG59, Accounting Records, Misc. Letters. Cf. above, Higinbotham to Clay, February 4, 1826. The Halls have not been further identified.
On November 14 Daniel Brent replied to Quarrier that he had been directed to state that if the draft was dated "antecedent to the first of June last year, it . . . [would] be paid . . . , exclusively, however, of interest, or charges of any description." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 424 (M40, R19).

From Stephen Russell, Philadelphia. States that the brig Delight, on a voyage from Philadelphia to Sisal, Mexico, was seized by the collector of the latter port on September 9; that "the greater part of the Crew" was put "on Shore"; that the hatches were broken open; and that the cargo was deposited in the customhouse "and threatened with condemnation." Notes that "The only reason given for these proceedings . . . was that the Invoices of the cargo had not the Mexican Consuls Certificate attached thereto." Transmits documents to prove that no certificates were required by law and that Henry B. Chew, Mexican vice consul in Philadelphia, "has been furnishing" Mexican customs officials "with information and pretexts calculated to interrupt and embarrass the Trade between the United States and the Republic of Mexico." Invokes "the protection of the Government of the United States" and trusts "that prompt redress will be required of the Mexican Government. . . ." LS. DNA, RG76, Mexican Claims Commissions. Cf. above, Poinsett to Clay, October 21, 1826. In settlement of this claim and that mentioned above, Russell and Nixon to Clay, June 20, 1826, Russell and Henry Nixon shared, with owners of the vessel's cargoes, an award of $13,267.69, including interest, made under the Mexican claims agreement of 1842. House Docs., 27 Cong., 2 Sess., no. 291, p. 50; Senate Docs., 35 Cong., 2 Sess., no. 18, p. 59.

From Samuel L. Southard. Asks "who are to go in the Hornet besides Mr. [John] Sergeant—if any one—to what place—and further will be wanted of the Vessel after they land &c." ALS. DNA, RG59, Misc. Letters (M179, R64). See below, Clay to Southard, November 7, 1826.

From [Samuel L.] Southard, Washington. Encloses a letter received from "L[ucius] Q. C. Elmer Esq. the District Attorney of New Jersey. . . ." AN. DNA, RG59, Accounting Records, Misc. Letters. In the enclosure, Elmer, writing from Bridgeton (New Jersey), traces the steps by which Robert Johnston replaced John I. McChesney as editor of the Bridgeton Washington Whig, now the Washington Whig and Bridgeton Observer; requests Southard's "interest to have Johnston continued as the printer of the laws"; states that Johnston favors the election of (Andrew) Jackson, "but has conducted his paper fairly," and "the principal friends of the administration" there wish him to "have the public printing"; and adds that "there is no prospect" of an amicable arrangement between the two claimants for "the pay for the printing of the laws of last session" but that "a statement . . . will be hereafter made to the proper department" which "will get over this difficulty."

Elmer, a graduate of the University of Pennsylvania and an officer in the War of 1812, had begun the practice of law at Bridgeton in 1815. He had been a member of the New Jersey General Assembly, 1820-1823, and State prosecuting attorney in 1824. His tenure as district attorney lasted from 1824 to 1829. Afterward he was a member of Congress (1843-1845), State attorney general (1850-1852), and a justice of the New Jersey Supreme Court (1852-1869).

Johnston retained the contract for publishing the laws only through the Second Session of the Nineteenth Congress. Cf. below, Ferguson to Clay, November 7, 1826.
APPLICATIONS, RECOMMENDATIONS  November 6, 1826

Lemuel Bent, Winchester (Virginia), recommends appointment of Charles Dabney as consul for the Azores. ALS. DNA, RG59, A. and R. (MR2). Cf. above, Clay to Dabney, November 3, 1826. Bent had been an infantry lieutenant from 1798 until 1800.

James J. Cummins, Cork (Ireland), states that for "many years" he was a merchant at this port and solicits appointment to the office of consul, made vacant by the death of Jacob Mark. ALS. DNA, RG59, A. and R. (MR1). Mark, consul at Cork since 1817, had died November 1, 1826. Cummins, not further identified, did not receive the appointment. Cf. below, Cropper, Benson, and Company to Clay, November 7, 1826, note.

Wolcott Lawrence, Laurent Durocher, Hubert Lacroix, and "Robert Irvine [i.e., Irwin], Jr.," Detroit, "members of the Legislative Council, of the Territory of Michigan," recommend Daniel LeRoy for appointment as district attorney of the Territory. LS. DNA, RG59, A. and R. (MR3). Published in Carter (ed.), Territorial Papers, XI, 1009-1010. Durocher and Lacroix had been residents of the region a decade or more before the War of 1812; Irwin had apparently settled there shortly after the War. All had held minor political positions prior to their appointments, that of Lacroix dating from February, 1824, and those of Durocher and Irwin from March, 1826. On the LeRoy appointment, see above, Hunt to Clay, October 6, 1826, note.


Meigs, nephew of the Return Jonathan Meigs who had been Governor of Ohio and Postmaster General, had been born near Winchester, Kentucky, had been admitted to the bar at Frankfort in 1822, and had moved to Athens, Tennessee. He did not receive the appointment here sought but, after removing to Nashville, became State attorney-general (1838-1839), United States attorney for the Middle District of Tennessee (1841-1842), State Senator (1847-1848), and, in 1856, State librarian. He moved to New York in 1861 and, two years later, became clerk of the Supreme Court of the District of Columbia.

Lea, a Knoxville lawyer, had been appointed United States attorney in 1824. He was elected to Congress, where he served two terms (1827-1831). Moving subsequently to Mississippi and to Texas, he became active in railway promotion.

From James Madison

Dear Sir  Novr 7, 1826

I send herewith a packet for Genl. Lafayette, which you will oblige me by having forwarded with the first dispatches for Paris. Should an opportunity be distant, I must ask the favor that they be addressed to the care of Wm. Whitlock at New York for one of the Proprietors of the Havre packet. I am sorry to call your attention for a moment from the public objects which I know
require the whole of it. But I know also the disposition you will feel to gratify our common friend who is anxious to receive the information I have transmitted to him.

With great esteem & friendly salutations  

JAMES MADISON

ALS. DNA, RG59, Misc. Letters (M179, R64). Addressed: "The Secretary of State Washington."

1 William Whitlock, Jr., of New York, a commission merchant, carrying on extensive trade with South America, also operated a line of packets from Savannah, Georgia, and had organized the first line of Havre packets. Among the vessels owned by him were the Cadmus and the Edward Quesnel.

Dr Sir,  

New York Novr. 7th. 1826

I find that, in the hurry of closing my letter of the 31st. Ult. the copy of Mr Vaughan's map was not put in with the other documents as was intended—and I therefore now forward it to you.

I hope you will not consent to cede to Great Britain the territory of St. George's Island—much less, the exclusive navigation of the channel on the British side of it, the former of which, and an equal participation in the latter, clearly belong, in my opinion, to the United States upon any fair construction of the treaties. The island is large & valuable, and, in point of soil & timber, as well local situation [sic], much superior to the adjoining mainlands. Out [sic] Garrison at the Rapids must soon, & indeed they do already, resort to it for wood, timber & other building materials. The loss of the navigation would still be worse, as there is now (with the possession of this) a good sloop navigation from Niagara river to every port of Lake Superior, with the exception of about a mile in the St. Mary's rapids, around which there is already a boat canal, that will doubtless be soon enlarged by the government into a passage for lake vessels.

This is the second day of our annual election, but we can make no calculations yet as to the result. Our political condition is very confused & uncertain, and accounts from different parts of the State are extremely variant as they happen to come from one or the other party. So far however as we can rely on those received from our friends, our prospects are very flattering. The nomination of Judge Rochester was made by delegates from every sect of the old democratic party, & with a view to its reunion; and the experiment, I have reason to think, will prove generally successful—although there are some (amongst whom you observe is Noah) who have long since sworn allegiance to Mr Clinton, not so much from love to him, as from a desire to oppose the administration. The canvass between Clinton and Rochester will probably be
close, although I should not be surprised if either of them were to get a large majority. The federal Adams men for C. Republican Adams men for R.

I find the general expectation here to be that Mr Wheaton 7 will be appointed the District Judge—and perhaps, as regards the administration, this would be the least exceptionable appointment that could be made, although I think Betts an able man. 8

I remain, Dr Sir, very respectfully yours                  P. B. PORTER
Hon. H. Clay.

ALS. InU.
1 A military post established in 1822 at Ste. Marie on the south bank of the St. Mary's River was known by several names until it became Fort Brady in 1825.
2 Cf. above, Moseley and others to Clay, October 6, 1826, note. Travellers in 1826 customarily made a short portage around the falls to a dam and millrace, built about 1822 by soldiers at the military post, above which passage was open through the St. Mary's River into Whitefish Bay of Lake Superior.
3 This word was substituted for 'republic,' crossed out.
4 See above, Porter to Clay, October 8, 1826.
5 Mordecai M. Noah.
6 DeWitt Clinton.
7 Henry Wheaton.
8 See above, Porter to Clay, October 8, 1826, note.

INSTRUCTIONS AND DISPATCHES  November 7, 1826

From ALEXANDER H. EVERTT, Madrid, no. 55. Reports that he is “still constantly pressing the question of Indemnities” but expresses doubt at the “prospect of arranging it in season for the winter session of Congress,” although he has “assurances” from (Manuel Gonzáles) Salmón, who has directed (José de) Heredia to “draw up the Counter project in reply to” Everett’s “project of a Convention.” Notes that Portuguese affairs “are assuming a more tranquil aspect. . . .” States that new instructions have been received by both the Russian and British ministers in Madrid (Pierre d'Oubril and Frederick J. Lamb) “on the subject of the relations between Spain and her Colonies,” in consequence of the reply to Everett’s “proposal of an armistice” (see above, Everett to Clay, June 25, 1826); that Lamb has not been told to inform the Secretary of State (Salmón) of requests from Colombia and Mexico that Britain “use its good offices with the Spanish Cabinet in favour of the conclusion of an Armistice” and of (Edward J.) Dawkins’ belief that “the Representatives of the several Powers” assembled at Panama “have the same general disposition,” but not to the point of making “any offers of mediation or service.” Comments on the prospective return of the King (Ferdinand VII) “to Madrid on the 26th” as offering an opportunity to revive the subject of an armistice. Concludes that “the determination of France to admit the Spanish American Flags [see above, Brown to Clay, September 23, 1826] . . . and the change of policy in the Russian Cabinet [see above, Everett to Clay, October 16, 1826] . . . ought to have great weight here. . . .” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received January 14, 1827. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 2137-39.

From Beaufort T. Watts, Bogotá, no. 17. Reports that the approval of (Simón) Bolívar, who “is expected to enter Bogota on the 14th. Inst.” seems to have ended “apprehensions of a general Revolution among the different provinces of this Republic” and that “suspicions...of his infidelity to the present Constitution and republican principles are” evaporating. Refers to his dispatch no. 13 (above, September 19, 1826) and states that he has again called attention to the failure of Colombia to fulfill the treaty with the United States “as it regards impost and tonnage.” Notes that the “late revolutionary excitement” precludes settlement of claims against the Colombian Government, which “is in a State of bankruptcy.” ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received December 18. Extract published in Manning (arr.), Diplomatic Correspondence...Latin-American Nations, II, 1302-1303.

MISCELLANEOUS LETTERS

November 7, 1826

To [Samuel L.] Southard. States, in answer to Southard’s “note of yesterday,” that only “Mr. [John] Sergeant and the Secretary of the Legation [William B. Rochester] with their suite” are to be taken on board the Hornet. “La Vera Cruz will be the destination of the vessel and she need not be detained there an hour after she lands her passengers and their baggage.” AN. NNPM. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 418 (M40, R19). Endorsed: “ansd. 15th Novr 1826. . . .”

To [Samuel L. Southard]. Requests assistance in answering “the inclosed letter from Mr. [Fortunatus] Cosby” and comments: “I should be glad that every kindness and indulgence should be extended to his son [James Smiley Cosby] which is possible, consistent with your ideas of the public service.” ALS. NJP-Southard Papers. Addressed on cover: “The Honble The Secy of the Navy”; endorsed on cover: “... Ansd. 8 Novr. & enclosed copy of my private letter to Mr. Cosby—” Answer not found. Year of the date supplied by editors. Cf. above, Cosby to Clay, January 14, 1826, note; Southard to Clay, February, 4, 1826.

From William B. Rochester, Rochester (New York). Acknowledges receipt of Clay’s letter of October 24; states that, because of the illness of his “younger son” (not identified), he cannot leave before November 13; warns that, in the event of his election as Governor (which he has “no satisfactory reason to anticipate”), he will resign as Secretary of Legation. ALS. DNA, RG43, First Panama Congress (M662, R1). Cf. below, Stuart to Clay, November 9, 1826.

From Samuel L. Southard, Navy Department. Acknowledges receipt, from Clay, of a copy of the note, from Charles R. Vaughan to Clay, dated September 20, 1826, and states that he will transmit a copy to Commodore (John) Rodgers, “that he may be apprised of the sensibility of the British Government on the subject, and the desire of his own Government that he should exhibit the utmost caution in avoiding a similar accident in the future.” LS. DNA, RG59, Misc. Letters (M179, R64).

From W. F. Thornton, Alexandria. Introduces his “fellow-townsmen, Mr. John L Hampson,” who is “a steadfast friend of the present order of national affairs...” Ends “With unfeigned regard for your private and political character, and best wishes for your prosperity...” ALS. DNA, RG59, A. and R. (MR2). Thornton was one of the publishers of the Alexandria Phoenix Gazette. Hampson has not been further identified.
November 8, 1826

APPLICATIONS, RECOMMENDATIONS November 7, 1826

Cropper, Benson, and Company and others, Liverpool, recommend the appointment of Reuben Harvey, a native of Cork, as consul there. LS, signed by Cropper, Benson, and Company and by sixteen other Liverpool merchants. DNA, RG59, A. and R. (MR2). Cropper, Benson, and Company were outstanding in the cotton trade. Harvey received the appointment for which he was recommended and served from 1827 until his death in 1831.

Franklin Ferguson, Bridgeton, New Jersey, reports that he has "succeeded Mr. [John I.] M'Chesney in the Establishment of the [Bridgeton] Washington Whig" and solicits continuation of the appointment of this paper to publish the laws. ALS. DNA, RG59, P. and D. of L. Ferguson has not been further identified. The paper to which he refers was established July 15, 1826, by McChesney, who entitled it Washington Whig and conducted it in competition with the Washington Whig and Bridgeton Observer. Cf. above, Southard to Clay, November 6, 1826, note. Ferguson received the contract for publishing the laws of the Twentieth Congress, First and Second Sessions.

Jonathan Kearsley, Detroit, recommends Elon Farnsworth for appointment as district attorney in Michigan. ALS. DNA, RG59, A. and R. (MR2). Kearsley, a native of Pennsylvania and an officer during the War of 1812, had been appointed in 1819 as receiver of public moneys at Detroit. He served until 1844, was reappointed in 1845, and continued in the office until 1850. He was, at various times, justice of the peace for Wayne County, mayor of Detroit, and a trustee of the University of Michigan. On the recommended appointment, cf. above, Hunt to Clay, October 6, 1826, note.

Thomas Somerville Reeves, Cork (Ireland), solicits appointment as consul at Cork. Notes that for twenty years he has been a partner of a mercantile firm and that he has family connections "spread along the South Western Coast of Ireland ...." ALS. DNA, RG59, A. and R. (MR3). Reeves has not been further identified. On the desired appointment, cf. above, Cropper, Benson, and Company and others to Clay, this date, note.


To James Lloyd

M[anuscript page]

Dear Sir (Private) Washn. 8th. Nov. 1826

Your letter\(^1\) inclosing an article on the Colonial trade was received, and the article having been shewn to the President he concurred with me in thinking that it might be published at this time, without the smallest impropriety. You will have accordingly seen it in the N. Journal.\(^2\)

I have now the pleasure to acknowledge your favor of the 1st. with the pamphlet inclosed. I have read all the Speeches of Mr. H.\(^3\) on the subject of the Colonial policy, Free trade &c, which I have obtained through the English press, but as this is a new
edition, I will retain it and peruse it again. I will also shew it to the President according to your wish. I well recollect that the report which you made to the Senate last Session (and of which you have had the goodness to send me a Copy) was founded principally upon our strong expectation that the Colonial trade would be regulated by negotiation, and our decided preference for that mode of adjusting it. Whatever may be the issue of the matter, I repeat that we will put the other party clearly and decidedly in the wrong. It will appear in the sequel 1st. that G. B. no less than ourselves looked to negotiation as the means of settling the question; and 2dly. that the act which was proposed by Genl Smith in the Senate at the last Session (that is to abolish the discriminating duties)4 would have been altogether unavailing; and 3dly. that Congress could have passed no law in conformity to the conditions of the act of Parliament of 5 July 1825,5 without a subversion of the established principles of our Navigation policy. All this will appear in due season and at no distant day.6 In the mean time our friends must be patient, and our enemies have not prudence to prevent their committing themselves on the British side of the question, to an extent which the American public will be sure to condemn.

I am with great regard Your ob Servt

H Clay

James Lloyd Esqr

ALS. PPL-R.

1 Not found.
3 William Huskisson.
4 See above, Gallatin to Clay, August 19, 1826, note.
5 See above, Rush to Secretary of State, March 26, 1825, note.
6 See below, Pleasants to Clay, December 9, 1826, note.

From Martin Duralde (Jr.)

New Orleans, 8th. November 1826

My dear Sir,

I received by the last mail your letter of the 7th. ultimo,1 demanding me some information relative to your claim as Executor of Col. Morrison, against Trudeau & Coxe.2 As Gl. Whittlesey [sic] as [sic] already informed you3 a Judgment, without releasing Trudeau, has been rendered against Coxe. But thus far Mr. Coxe has neither paid the amount of that Judgment nor any part of it and I am not able to tell you when you may expect to be paid. Mr. Coxe has not been able to raise any money on the notes him and Hawkins received of Trudeau.4 Knowing your anxiety to see that affair terminated I did myself all I could to assist Mr. Coxe to negotiate one of them, as it had been agreed between him, Gl. Whittlesey & Mr. Erwin,5 but like him I have been frustrated in the attempt. We may be more fortunate this winter. Although
these notes are good, are Secured by a mortgage on two Sugar Estates and bear an interest of ten per cent, we find it difficult to cash them on account of the time they have to run. One of these notes is in my possession and was left with me by Gl. Whittlesey before he left N. Orleans.

I Send You herewith a Copy of the Judgment rendered against Coxe together with a transcript of the Compromise agreed upon. Being disposed to do any thing I can for you in this slow transaction let me know if you approve of the Compromise and what you wish us to do.

My two children [sic] are in good health. Present my respectful homages to Mrs. Clay.

I am with consideration Your Most Obt. Servt. M. Duralde

Henry Clay Esqre. Secretary of State Washington City.

ALS. DLC-TJC (DNA, M212, R13). Endorsed by Clay on verso: "... Answd. 8th. Jan. 1827." Answer not found. 1 Not found.

2 See above, Account, ca. May 27, 1826.
3 Letter not found. Cf. above, Whittelsey to Clay, April 29, 1825.
4 Cf. above, Scott to Clay, September 13, 1826.
5 James Erwin. Cf. above, III, 895.
6 Neither document has been found. Cf. below, Wittelsey to Clay, December 22, 1826.
7 Martin and Henry Clay Duralde.

From R[obert] Kercheval

Dr. Sir Chillicothe Nov. 8. 1826

I have been instructed by the Committee of Correspondence to forward to you the proceedings of a public meeting, which was held here on the 4th inst. 1 to apprise you of what was done. They deem this to be an act of Courtesy which is due from them to you; in consideration of the great interest which you take in relation to Internal Improvements generally: and particularly as it relates to those which are expected to be made in the Western Country.

The Construction of a Branch of the "Cumberland road" between Zanesville and the point where it will intersect in the State of Alabama; the great Southern road from Washington City to N. Orleans; 2 is believed to be strictly National in its character and within the scope and means of the General Government.—The people therefore in this part of the West, look with great confidence to the present Administration (which they have thus far supported with unshaken firmness) to move in this important matter;—and to no member of it with greater confidence than yourself, to aid them in procuring a competent Engineer, to examine the Country, and in all the subsequent steps which it may be necessary for them to take, in finally accomplishing this important public measure.

I am directed by General McArthur 3 to present you with his
kindest respects and his best wishes for your health, and that of your family. I am Dr Sir, with great respect, Your Mo. Ob. Sert.

Hon. Henry Clay.

R Kercheval

ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay on cover: "... Answd. 16 Nov. 1826." Answer not found. Kercheval has not been further identified.

1 The enclosure, a printed document, contains a preamble and resolutions, adopted by "a very large and respectable meeting of the citizens of Ross county," advocating "the construction of a Branch of the National Road" from Zanesville southward to Limestone (Maysville), Kentucky, thence through Kentucky and Tennessee and into Alabama, establishing a committee to petition the President for a survey of the route between Zanesville and Limestone, and appointing a committee of correspondence to solicit the cooperation of citizens of towns in the States in which the road would lie.

2 See above, Speech, January 17, 1825.

3 Duncan McArthur.

DIPLOMATIC NOTES

November 8, 1826

To Charles R. Vaughan. Transmits a copy of a letter "just received from the Secretary of the Navy [above, Southard to Clay, November 7], on the subject of" Vaughan’s note of September 20. Expresses a hope that "it will afford to" Vaughan’s "Government ample satisfaction on that subject, and be regarded as a proof of the anxious desire of that of the United States to prevent and discountenance all irregularities in the intercourse between the Vessels of the two Nations." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, p. 307 (M38, R3). ALI draft, in CSmH. On the same day, Vaughan acknowledged receipt of this note and stated that he would with "great satisfaction" transmit a copy of it to his government." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES

November 8, 1826

To Joel Poinsett, no. 15. Requests him "to present, and urge," a claim on the Mexican Government in behalf of Stephen Russell and Henry Nixon, of Philadelphia, for "exactions" imposed on their vessel, the brig Delight, by the collector of the port of San Blas. States "another vexation to which the same Brig Delight has been more recently exposed in the port of Sisal in Yucatan," when "her cargo was seized ... on the ground of her not being provided with Consular certificates." Characterizes the requirement for such a certificate in this instance, "the larger portion of her cargo, being notoriously American produce," as "a manifest mockery" and calls attention to the "loose manner" in which that requirement "has been made and relaxed." Instructs him "to demand the restoration of the cargo . . . , and damages, not only upon the grounds which have been stated, but on account of the palpable disproportion between the omission to observe such a formula, and the punishment of a forfeiture of the entire cargo of the vessel." Adds: "And you will avail yousell of the occasion to repeat the remonstrance against those consular certificates, and to require that they be either altogether dispensed with, or placed upon some less questionable authority, and promulgated in such authoritative manner, as to prevent the deception in future, of the fair American Merchant." Encloses documents relating to each case. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 187-88 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R7). Cf. above, Russell and Nixon to Clay, June 20, 1826; Poinsett to Clay, October 21, 1826; Russell to Clay, November 6, 1826.
From ALBERT GALLATIN, London, no. 21. Reports having “received an informal explanation of the enquiry” he “made respecting the acts of Parliament affecting the colonial intercourse” and that the statement he made in his dispatch of October 27 “is correct as relates to facts.” Continues: “... although the act 6 Geo. IV, ch. 105 repeals from the 5th July 1826, amongst many other acts, that of 3 Geo. IV ch. 44, and although the navigation act (6 Geo. IV ch. 109) does not repeal any act totidem verbis, yet, being declared to be the navigation law of the British Empire from the 5th January 1826, it virtually repeals every act concerning navigation, the provisions of which are not contained in it, and therefore ... the limitation of the act 3 Geo. IV ch. 44 or any other, which prevented foreign vessels from exporting to any country produce from the British West Indies, was thus virtually repealed from the 5th January 1826.”


MISCELLANEOUS LETTERS November 8, 1826

From JOSHUA DODGE, New York. Requests an extension of his leave of absence from the consulate at Marseilles. ALS. DNA, RG59, Cons. Disp., Marseilles, vol. 2 (M-T220, R-T2). Endorsed by Clay: “Mr. [Daniel] Brent will inform Mr. Dodge that there is no objection to this extension of his leave of absence but it is wished that he would specify what additional time is wanted—”. On November 15 Brent wrote as requested. Copy, in DNA, RG59, Cons. Instr., vol. 2, p. 407 (M78, R2).

On November 30, Dodge wrote Brent, acknowledging receipt of his letter and asking that the leave be extended for nine months. Endorsed by Clay: “Write and give the permission, counting the nine months from the date of the application.” On December 6, Daniel Brent again wrote as requested. Copy, in ibid., p. 408.

From PETER B. PORTER, New York. Acknowledges receipt of Clay’s letter of November 4, with its enclosure; states that he, “as the Representative of the U. States,” is placed by the extract from Barclay’s letter, “in the light of an acknowledged but unwilling debtor—not only neglecting to discharge a just demand, but resorting to subterfuges to avoid the duns ... for its payment”; cites the journal of the commission in support of his explanation of the method of keeping accounts of expenses (which were to be divided equally between the two governments) and of his expectation that “the yearly balances, or rather the fluctuating balance carried on from year to year, sometimes in favour of one party, & sometimes of the other, should be continued down to the close of the Commissions, & then paid to the party to whom it should be found to be due”; notes that the balance “at the close of the Commission” will favor “the British party”; explains, on the grounds of precedent and the need for an additional appropriation of funds by Congress, his refusal of Barclay’s request for payment; and concludes: “Our Journal will shew, very nearly if not exactly, the balance now due; and if you should think proper to advance it to Mr Barclay I can certainly have no objection.” ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI and VII, env. 1, folder 1, item 76.

APPLICATIONS, RECOMMENDATIONS November 8, 1826

M[IACA]H[ISON, Mt. Sterling (Kentucky), admits discovering, since seeing Clay “at this place,” that he “was rather premature, in requesting” the latter’s
“attention and aid, in procuring from the Secretary of War, a Commission for” Harrison’s son, Jilson P. Harrison, “to be admitted into the Military School at West Point.” Encloses a letter to (David) Trimble, containing an application, with accompanying documents, to the Secretary of War, and expresses “a lively sense of gratitude” for any aid Clay can give. ALS. DNA, RG94, Military Academy, Cadet Applications, 1826-35 (M688, R41). Young Harrison did not receive appointment to the Military Academy but later attained prominence as a commission merchant and financier in New Orleans.


Samuel Wylls Pomeroy, Boston, transmits “a document” from George Myrick, of Nantucket, recommending Charles Dabney for appointment as consul for the Azores. ALS. Ibid. (MR2). The enclosure, dated October 31, 1826, presents two double-columned pages of signatures, identified as those of “Inhabitants, Ship Owners, & Ship Masters of the Island of Nantucket. . . .” Myrick, whose name heads the list, has not been further identified. On the appointment, cf. above, Clay to Dabney, November 3, 1826.

To Edward Coles

Dear Sir

I have recd. your obliging letter of the 20th. Ulto.¹ on the subject of my land in your State² advertised for sale for the non-payment of the taxes. Mr. Cook³ has heretofore attended to the paymt. of them for me, but you would add to the obligations which I am already under to you, if you would speak to some of the agents for the paymt. of taxes on Non-residents’ lands, who may be relied upon, and request them to undertake to attend to that matter for me. I set great value on those lands (prospective of course) and should feel greatly mortified if they were lost. I hope you will do me the further favor to see that the Agents whom you may select do not let them be sold at the approaching January.

With many thanks, I am with great esteem Yr’s faithfy & respectfy

Edward Coles Esq

ALS. NjP-Edward Coles Papers. ¹ Not found. ² Cf. above, III, 104, 134-35, 291; Berry to Clay, June 29, 1825. ³ Daniel P. Cook.

From Josephus] B. Stuart

My dear Sir.

[Recommends William Clark (not further identified), a forty-year-old bachelor with twenty years experience in the “shipping business” for a consular appointment at Veracruz, Cartagena, or elsewhere in South America.]
Our Election is over—Clinton has an encreased Majority in this City—and is undoubtedly elected. Look at Noah's scandalous account of the proceedings of your friends at Albany in 1824. Nothing is more false—it is in his paper of to day. Genl. Porter is still here—he or Sanford are the only men in the state who could run against Clinton with any probability of success. Honble. H. Clay.

Yours cordially. J, B, STUART.

ALS. DNA, RG59, A. and R. (MR1).

1 See below, Rochester to Clay, November 18, 1826, note.
2 An editorial in the New York Enquirer of November 9 explained Mordecai M. Noah's unwillingness to support either Clinton or William B. Rochester, citing in reference to the latter the "political sins" evidenced in the vote of the New York Legislature for Presidential electors in 1824 (cf. above, III, 819, 822, 888, 889n). "It was at this most interesting crisis of a great contest between a federalist and a republican candidate, that five or six partizans of Henry Clay repaired to Albany, and, out of one hundred and thirty-eight members of the Senate and Assembly, they found means to influence some twenty-five, and a scene of bargain, barter, and most disgraceful intrigue was exhibited in favor of Mr. Clay, unequalled in the history of our politics. The friends of Crawford were called upon to divide the vote of this great state with Mr. Clay, whom the people did not think of, and who was at no time considered as a legitimate candidate for the Presidency. The old republicans disdained to sell themselves, or barter the electoral vote of New York.... What was the conduct of these balance of power men—men elected as democrats—men confided in by their constituents? They went over to the enemy—openly sold themselves to Mr. Adams—violated their political obligations, and transferred to Mr. Adams the greatest portion of the electoral vote of New York. Mr. Rochester took an active part in all these negociations in favour of his friend Mr. Clay. The rest is known. Mr. Clay was appointed Secretary of State, and Mr. Rochester Secretary of the Panama Legation."

3 Peter B. Porter.

4 Nathan Sanford.

From Francis Voris

Pleasant Hill near Harrodsburg Ky. Nov. 9th 1826

My Dear friend,

I presume to trouble you with a few questions which may be a little troublesome to you, yet with the prospect that possibly some benefit may result to the publick growing out of the correspondence hereafter, I hope you will take some pains to communicate minutely any of useful information you may be in possession of, or can obtain in Washington or even from France on the subject—

We Occasionally See scraps of newspaper publications on the subject of Manufacturing sugar from the Beet in France; and as our society are in the habit of raising the Beet to great perfection, we are in hopes that we can be enabled from the information within our reach through you to turn them to some more useful and good account than formerly

If it should be consistent with your other, and no doubt, multiplied engagements I will thank you to give me a manute and particular direction how we may cultivate (if if any change
from our present mode of Cultivation) and manufacture the sugar from the Beet— And if you please let me know how productive they are—the amount of labour to make 10 000 lbs sugar, the kind and probable cost of the Machinery necessary, whether it can be procured, and where in the United States A drawing of the Machinery &c. would be desireable [sic] if convenient for yourself and necessary for us— In fact, every thing relative to the whole process is desireable— You will understand a great deal better how to inform us, than I am able to ask it—

If you are not in possession of all the knowledge you could desire on the subject perhaps you can obtain from Some practical Frenchman at Washington the most approved modes at present used in France, or through your corespondence with our present Minister to that country, who if he possesses the qualities of mind of his brother¹ will give all the information we could desire on the subject—

I feel some solicitude to receive the above information as early as possible, in order that we may make preparations to raise a crop of Beets the next season— I will also thank you to communicate to me from time to time any of useful information which you may obtain on the subject— The plain common-sense practical information is what we mostly desire

As you know very well that our society does not meddle with or entangle themselves much in politics, I will only say one word on that subject, and that is The members generally of the society, are, so far as I have been enabled to collect their opinions, well pleased with the measures of the present Administration—

You will be pleased to excuse a want of education and a deviation from the common politeness of the times. Yet be pleased to accept the sincere regard of Your friend FRANCIS VORIS

P. S. Be pleased if you can procure them, to send me some of the seed of the proper kind of beet, if they are anything different from the kind we have—

ALS. DLC-TJC (DNA, M212, R13). Addressed to Clay. Voris, a native of Mercer County, Kentucky, had lived for a time in Shelby County. In 1819, at the age of nineteen, he returned with other members of his family to Mercer County and joined the settlement of Shakers, which had been established in 1806 at Pleasant Hill, between Harrodsburg and Lexington. He held several offices in the community, made trips down the river system to New Orleans, selling Shaker products, and left the colony in 1829.

¹ Probably John Brown.

INSTRUCTIONS AND DISPATCHES November 9, 1826

To HENRY K. STEARNS. Transmits "the evidence of" his appointment as "Consular Commercial Agent at Baracoa in the Island of Cuba, . . . together with a Copy of the printed Circular Instructions to Consuls." Copy. DNA, RG59, Cons. Instr., vol. 2, p. 406 (M78, R2). Stearns has not been further identified.
To William L. Brent. Acknowledges receipt of Brent's letter of November 6 (not found); states that Clay "will bear in mind" Brent's "suggestions about the Natchitoches Courier," whose "Editor will be paid, . . . whenever he forwards his account. . . ." Copy. DNA, RG49, Misc. Letters Received, Book S, p. 703. Cf. above, Buisson to Clay, April 26, 1825.

From Edwin Scrantom. Transmits a certificate by L(evi) W. Sibley; expresses Scrantom's pleasure at having his accounts accepted. DNA, RG59, P. and D. of L. Sibley asserts in the certificate that he has sold the Rochester Monroe Republican to "Edwin Scrantom & Company."

From Samuel Sterett, Baltimore. Refers to his letter of September 28, 1826 (omitted by editors as relating to claims since 1805—see above, Circular, June 8, 1826, note) and now sends a schedule of claims for losses prior to 1805. LS. DNA, RG76, Misc. Claims, France. The enclosure lists thirty vessels, "insured by the Union Insurance Company . . . in . . . 1804 & 1805, which were captured by French armed Vessels. . . ."

Sterett, born in Carlisle, Pennsylvania, had been reared in Baltimore, where he became prominent as a merchant, held several local offices, and was elected to the State Senate (1789) and to the United States Congress (1791-1793). He was also president of the Union Insurance Company, chartered in 1804 to write marine, fire, and life insurance. The firm's claims on France for losses prior to 1805 amounted to $140,401. All were suspended and remained unsettled when the commissioners acted under the convention with France of 1831. *American State Papers, Foreign Relations*, VI, 551-52; Sen. Docs., 23 Cong., 1 Sess., no. 417, pp. 72-89 pas sim.

To Charles Hammond

My Dear Sir (Private) Washington 10th. Nov. 1826

The indisposition and final death of a child of Mr. Rush have delayed his attention to the subject of your letter of the 26th. Ulto. from Steubenville. He came to me today to talk of it. He does not think that he can with propriety interfere (nor do I) because you do not stand in the relation of a debtor to the treasury, but in that of a debtor to the Bank, which is the debtor to the Treasury. But there are some other points. The Treasury has adopted as a rule not to give additional time, unless additional security be given. Further: if he were to indulge in your case could he refuse it in every other case of an application from the debtors to the Bank *not to the Treasury? The effect of which would be to grant double indulgence in the same case, first to the Bank, which the Treasury does know, and next to the debtors of the Bank, which the Treasury does not know, I mean officially. Such is Mr. Rush's view, and your candor must allow that there is something in it. He has at the same time the most friendly dispositions towards you. From a knowledge of these, I will venture to say that if the Bank should
of the instalment or debt due the first of January next pay up all but the sum you owe or very near it, and if the Bank should apply for indulgence for the residue, to afford you reasonable time, I think it will be granted. Write me if that sort of arrangement may not be made to answer.

You spoke to me about some one, I think Mr.----- Powers to inspect the Land offices. Is it your wish and his that he should be appointed on that service?

I congratulate you on the late auspicious events in New Jersey, Ohio &c. They are very decisive. Still we must not go to sleep, but follow up the victory. The greatest battle now to be fought is in Kentucky. I am glad to see that you are helping in the Gazette our friends there. Have you read the numbers of Curtius? I think they deserve extensive circulation.

We shall put the British completely in the wrong on the Colonial question, and give our friends impregnable ground. They had better however abstain from the discussion and wait the meeting of Congress.

Truly Your Friend H CLAY

C. Hammond Esqr.

P. S. Should the Bank make payment of the larger portion as mentd. within, that of itself will have the effect of additional security, without any new liens or personal sureties. H C

ALS. InU.

1 Richard Rush, twelve years old, had died October 29, 1826.
2 Benjamin F. Powers, born in Vermont, had been a journalist in Cincinnati since 1818 and had been associated with Hammond in publication of the Liberty Hall and Cincinnati Gazette during the campaign of 1824. By 1829 Powers had changed his vocation to law. Under legislation of March 26, 1804 (2 U. S. Stat., 282), the Secretary of the Treasury was charged with responsibility for having an annual examination of the books of the land offices. On the appointment to this assignment for Ohio in 1827, cf. below, Hammond to Clay, November 26, 1826, note.
3 Cf. above, Clay to Adams, July 25, 1826, note; Clay to Hammond, October 7, 1826, note.
4 By legislative act, approved December 21, 1825, the next election of Kentucky Representatives to Congress was held in August, 1827. Ky. Gen. Ass'y, Acts, 1825, pp. 139-40.
5 Cincinnati Liberty Hall and Cincinnati Gazette.
6 See above, Charless to Clay, November 1, 1826.
7 Cf. above, Clay to Lloyd, November 8, 1826.

To [Peter B. Porter]

Washn. 10h. Nov. 1826

My Dear Sir (Private and Confidential)

You need not fear that we shall cede St. George's island or make any new arrangement as to Barnharts island or the Long Saulte [sic]. We shall not treat with G.B. about the matter confided to you, until it passes from your jurisdiction, short at least of declaring the navigation open to the Sea to both parties. Mr. Gallatin has
been long since fully instructed on the subject of the free navigation of the St. Lawrence, with a perfect knowledge of the advantage which we possess.2

Prepared for any event of your election, I feel nevertheless much solicitude to know the result.3 Some days must however elapse before we can obtain information of it.

In haste I am truly Your friend H CLAY

P.S. I shall send you in a day or two instruction on the point, which you desire.4 I think you had better settle the pecuniary matter.5

H C.

I will send you confidentially a Copy of my answer to Mr. Vaughan.6

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ALS. NBuHi.
1 Cf. above, Porter to Clay, November 4, 7, 1826.
2 See above, Clay to Gallatin, June 19, August 8, 1826.
3 See above, Stuart to Clay, October 7, 1826, note; below, Rochester to Clay, November 18, 1826, note.
4 See below, Clay to Porter, November 13, 1826.
5 See above, Porter to Clay, November 8, 1826.
6 Below, Clay to Vaughan, November 15, 1826.

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To D[aniel] Webster

My dear Sir (Private) Washn. 10h. Nov. 1826

I congratulate you on your nomination by the Republican party, although we really have in this Country no other than a Republican party. Names may be gotten up or kept up in particular States for local or personal purposes, but at this time there are but two parties in the Union, that of the Administration and the Opposition. You will share with me in the gratification which is derievable [sic] from the success which has attended the former in N. Jersey, Ohio &c.1 I consider it as altogether decisive.

I thank you for the view which your obliging letter of the 6th. inst. presents of public affairs in your quarter. I am sorry that Dwight declines, as he is both a very good and highly honorable fellow.— If Shaw2 can come in his place, I should find some consolation in the change.

I have just completed a paper on the Colonial question.3 I am greatly deceived if we do not furnish in it to our friends strong and impregnable ground to stand on. I think the Opposition will be as much taken in as they were on the Panama question.4

Your's ever & faithfully H CLAY

D. Webster Esq

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ALS. DLC-Daniel Webster Papers (DNA, M312, R22).
1 Cf. above, Clay to Adams, July 25, 1826, note; Clay to Hammond, October 7, 1826, note.
2 Henry Shaw.
3 Below, Clay to Gallatin, November 11, 1826.
4 Cf. above, Hammond to Clay, April 7, 1826.
From George C. Gwathmey

Louisville Novembr 10. 1826

Dear Sir,

I have before me a letter which was written by the late Mr. Anderson, at the moment of his departure from New York on his return to South America in October 1825, in which, (after writing me lengthily on the Subject of business,) he makes this remark, "In the event that any accident should befal [sic] me, application should be made to the department of State for a Settlement of my Accounts; Reminding you too—that in the event that I should ever go to Panama, I shall by law be entitled to an Outfit; which no doubt the government would immediately pay, if I never return." I should have written you on this Subject, immediately after receiving the melancholly [sic] intelligence of Mr. Andersons death, but for the expectation of receiving, on the return of his Brother, if not a Will, some instructions in relation to his business and children, Other than such as had been previously given, from which his wishes might have been more distinctly known— It seems however that he has leit no will nor have I received additional instructions— I expect to administer on his estate early in next Month, As soon thereafter as practicable, Mr. Larz Anderson will go on to Washington, fully authorised to settle and receive from the Government, whatever balance may be due on account of Mr. Andersons Services as Minister to Panama &c.— I rely with entire confidence in the liberality of the Government in the settlement of this claim: It cannot be forgotten that no Compensation which the government could make can equal the losses (growing out of the Mission[)] by which the children (in whose behalf I now write[]) are made Orphans— Then Surely, the most liberal Compensation, consistent with justice will be allowed.

From a knowledge of the friendship that existed between you and Mr. Anderson, I address you, under a conviction that you will give, (as a friend to his children,) whatever aid and advice you may deem necessary, to effect a settlement of the claim—: Such Services will be most gratefully acknowledged by me— Should you Conceive it necessary to write in answer to this, your letter will I presume reach me before Mr. Anderson leaves the Country.

With Sentiments of great Respect I am yr friend & Servt
Honble Henry Clay

Geo. C. Gwathmey

ALS. DNA, RG59, Misc. Letters (M179, R64). Gwathmey, born in Virginia and brought to Kentucky as a youth, a brother of Mrs. Richard C. Anderson, Jr., and John Gwathmey, was teller of the Louisville Office, Bank of the United States, and, later, cashier of the second Bank of Kentucky.

1 Richard C. Anderson, Jr.
2 Robert Anderson.
3 Ann, Arthur, and Elizabeth C. Anderson.
4 On November 24, Daniel Brent, in the absence of the Secretary (cf. below, Clay to Porter, November 23, 1826, note), replied that he was "not particularly authorized
to state, in reference to the settlement of the late Mr. Anderson's accounts, what will be the Instructions of the President" but that he was confident the terms would be "entirely satisfactory, in reference both to the interest of the family, and the services of the deceased"; and added: "you well know how much Mr. Clay will be well disposed to co-operate to the same end." Copy, in DNA, RG59, Dom. Letters, vol. 21, pp. 429-30 (M40, R19).

From Thomas R. Mitchell

My Dear Sir, Charleston. Nov. 10 1826—

During the last winter, I requested that you would take in to consideration the propriety of appointing Keith & Smith, Editors of the Winyaw Intelligencer, published at Georgetown S. C.¹ Printers of the laws of the U. S. in lieu of the Editor of the Pendleton paper²— I understood you then to say that these appointments & changes were made in Nov.— There are many reasons for this change. First—The publication of the laws of the U. S. in the Pendleton paper is unnecessary as the laws of the U. S. are now published in one of the Columbia papers³ which has universal circulation among them— More of the people take the Columbia paper than the Pendleton, as they sell their produce & make their purchases in Columbia & of course are anxious to see the the [sic] state of trade in that city. Again—The people in that section are most violently opposed to the Administration & will continue so from the never ceasing exertions & intrigues of—Leaders—whos [sic] sole object is to poison their minds & disaffect them as well towards to [sic] Const. as the Adminst.—. There is no hope of reformation or conciliation among them. Their patriotic & natural attachments are suppressed & a morbid excitement kept up. On the contrary, the Dist which I represent, is rich, populous & commercial—to whom—knowledge [sic] of the laws of the U. S. is all important. Every day the Administration is gaining ground among them. A particular attention of this Kind on the part of the Govt. would give an impetus to this growing sentiment—& a radical & open change there would make a favorable impression on the city of Charleston & elsewhere—. During the administration of Mr. Monroe—every Federal office & perquisite in the State were given to persons devoted to Cxxxn⁴—: Consequently the most violent, bitter & influential enmemies [sic] of the Administration are persons, who subsist & fatten on its patronage & bounty— It was a singular spectacle at the last Election in Charleston to see every federal officer arrayed against the Administ—denouncing the President as a Monster of Corruption—& exerting the whole patronage of their offices in putting down those who were anxious to support its measures. I can not understand this policy. But to return to my application. Messrs. Keith & Smith are the Editors of the Winyaw Intelligencer published at Georgetown S. C.—. I
have been re-elected to Congress by a handsome majority— I was violently opposed on every possible ground—but my friends were
faithful & active & my success a brilliant triumph.— A very interesting election is now agitating the people of the State between Judges Huger & Smith for the Senatorship lately occupied by Mr. Harper—Huger is a man of very Violent temper—a devoted Jacksonian—of great industry—& of some Eloquence—who has the pertinacity of McDuffie, but much more discretion— Smith (if a Jacksonian, for that is doubtful) will never co-operate with Hayne—& is the bitter & determined Enemy of Calhoun. I think there is no doubt of the success of Smith:—at least this is my fervent hope—

I am, Sir with great respect

Your's

TH: R: MITCHELL

ALS. DNA, RG59, P. and D. of L. Unaddressed. Mitchell, a lawyer, of Georgetown, South Carolina, an alumnus of Harvard University, served in Congress from 1821 to 1823, from 1825 to 1829, and from 1831 to 1833.

1 Keith, not further identified, and James Smith were awarded the contract to publish the laws from the Second Session of the Nineteenth Congress through the end of the Adams administration. By 1831 Keith had been dropped from proprietorship of the journal.

2 Frederick W. Symmes, of the Pendleton (South Carolina) Messenger, who solicited, in an undated letter to Clay (ALS, in DNA, RG59, P. and D. of L.), probably written later in the year, “A continuance of the Order for publishing the Laws . . .”

3 The Columbia South-Carolina State Gazette and Columbia Advertiser.

4 John C. Calhoun.

5 Cf. above, Geddes to Clay, September 7, 1826, note. The vacancy occasioned by the death of Gaillard had been filled temporarily by the appointment of William Harper, Columbia lawyer, who was not a candidate in the ensuing election, held December 16. Harper, a native of Antigua, had grown up in South Carolina, had been graduated from South Carolina College, had studied law, and had begun practice in Columbia in 1813. After serving in the State House of Representatives, he had moved to Missouri, where he had been chancellor from 1819 to 1823. Returning to South Carolina, he became reporter of the State supreme court, United States Senator (March 28 to December 7, 1826), a member of the State House of Representatites in 1827 and 1828 (Speaker in 1828), chancellor of the State (1828-1830), judge of the court of appeals (1830-1835), and, again, chancellor from 1835 until his death in 1847. His well-known defense of slavery, Memoir on Slavery, was published in 1837.

6 George McDuffie.

7 Robert Y. Hayne.

From James Brown Ray

Hon. Henry Clay,

Indianapolis, Inda. Novr. 10th. 1826.—Sir,

As a friend to the Administration of the General Government, I have taken the liberty to make some [sic] suggestions, on a subject of great importance to Indiana, and which may not be uninteresting to you.

By the late treaty with the Pottawattamie Indians in this State, in which I had the honor to be concerned, you will perceive an Article, which grants to the United States certain lands for a road, from Lake Michigan to the Ohio river. Let me assure you, that the people of Indiana are all alive to this project, and are anxiously looking for its ratification by the Senate. All parties here, as if by
a general impulse, unite in this measure. It was placed in the
treaty, from a belief, that it was an Object, worthy of the Considera­
tion & patronage of the Nation. A map of the United States, will
demonstrate its importance in a National point of view. But, what
I wish to call your attention to, is, the Occasion, which this Article
will furnish to Mr. Adams to make an expression of his friendship
to Indiana, and the political effect of such an expression in his
message. Never was there any thing more popular in Indiana. And
situated as politicks are in this State, should the President recommend the adoption of this Article, it would at Once make that certain here, which the Jacksonians say is doubtful. The recommenda­
tion of the Prest. might have a good effect in the Senate.
Would it not bring out the Opposition against the measure? Would not the friends of General Jackson oppose the ratification,
from a fear that its success might serve Mr. Adams’ cause in Indiana?
Should they do so, it would be the very means of placing [sic] Mr. Adams, high in the affections of the people. It might then well be
said that Genl Jackson’s friends are enemies to our best interests.
I hope that the President will take advantage of this Opportunity,
of securing this State. If it were not an Object so desireable [sic],
in so many points of view, I should not be so importunate.

Pardon the freedom which I have taken, in making these intimations, and believe me to be ready to serve you, when ever Occasion
offers. I have the honor to be, Sir, Very respectfully your Most
Obt. Servt.

J. Brown. Ray

1 LS, DLC-HC (DNA, M212, R2).
2 See above, Ray to Clay, February 2, 1826, note.

DIPLOMATIC NOTES

November 10, 1826

To Steen Bille. Cites apprehensions of “Some . . . American Citizens” that
Article 7 of the treaty with Denmark will be so interpreted by local authorities
as to defeat the object the negotiators had in view (see above, Claxton to Clay,
September 30, 1826; Ritchie to Clay, October 30, 1826; Otis to Clay, November
1, 1826); states that they have been told “that His Danish Majesty would not
allow such a consequence” (see above, Editorial Article, October 15, 1826); inquires whether Bille has received instructions authorizing him “to enable”
Clay “to give them such assurances as would tranquilize their fears.” Copy.
INSTRUCTIONS AND DISPATCHES

November 10, 1826

From Samuel Larned, "Santiago de Chile." Transmits a copy of "a paper" which he prepared in response to a request "by the Committee on the Constitution"; states that "this report . . . has met with almost universal approbation"; notes that "The enemies of the scheme of federation . . . oppose the adoption of the Constitutive act"; and encloses "sundry pamphlets and printed papers" illustrative of conditions and "prospects of this and the neighboring countries." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received March 22, 1827.

MISCELLANEOUS LETTERS

November 10, 1826

To Peter B. Porter, New York. States that Porter's letter of November 8 "affords a satisfactory explanation" of the matter in question; advises making a settlement at the present meeting of the commission in order to determine what is due the British Government and whether application to Congress for additional funds will be necessary. Again expresses "solicitude to avoid giving just ground for the smallest complaint on the part of the British Government." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 419 (M40, R19).


From Eswick Evans, Portsmouth (New Hampshire). Expresses thanks for Clay's reply (not found) to his letter (above, October 16, 1826); encloses a copy of his first letter (above, July 15, 1826); speculates on his chances of winning over (Ichabod) Bartlett in the congressional election "next March"; states that, if he does not go to Washington now, he "will come by & by under prouder auspices." ALS. DLC-HC (DNA, M212, R2). Bartlett was re-elected.

APPLICATIONS, RECOMMENDATIONS

November 10, 1826


To Blackwell and Stapp

Gents:

Washington, 11th Nov., 1826

Governor Coles has been good enough to inform me that my lands in Illinois are advertised to be sold for the non payment of
the taxes. I have requested him by letter\(^2\) to prevent their sale, and to engage some gentleman to attend to the payment of the taxes hereafter for me as they accrue, until otherwise advised by me. As my letter to him may miscarry, I would thank you (should he not have engaged any other gentleman to attend to the business for me) to represent me in the matter, on the terms specified in your circular of the 10th April, 1826.\(^3\) I will either pay your draft for the amount of the taxes and charges according to that circular, at sight, or remit it to you as you may indicate.

Mr. Coot [sic]\(^4\) has been so kind as to attend to this business for me heretofore, and I am under great obligations to him for doing it: but the above arrangement will relieve him from trouble which I ought not to give him. I am your obedient servant, H. Clay.

Messrs. Blackwell & Siapp.


\(^1\) Edward Coles.  
\(^2\) Above, November 9, 1826.  
\(^3\) Cf. above, Clay to Cook, June 20, 1826.  
\(^4\) Daniel Pope Cook.

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**To Albert Gallatin**

No. 14 Albert Gallatin, Envoy Extraordinary and Minister Plenipotentiary U. S. London.

Sir, Department of State, Washington, 11 Novr. 1826.

Agreeably to the intimation given in my letter under date the 31st. ultimo,\(^1\) I proceed to communicate to you the view which has been taken here of the official note of His Britannic Majesty’s principal Secretary of State for Foreign Affairs, addressed to you on the 11th. September last.

If the British Government had contented itself with simply announcing, in that note, its determination no longer to treat with that of the United States, on the intercourse with the British Colonies, however unexpected by us such a determination would have been, we might have felt ourselves bound silently to acquiesce in the declared pleasure of His Britannic Majesty’s Government. Two parties, at least, are necessary to the conduct of any negotiation, and if one absolutely declines treating, the other, of necessity, must abide by his decision. But the British Government, not satisfied with merely communicating the fact of its resolution no longer to negotiate with the United States, for an arrangement of the Colonial trade, which might reconcile the interests and wishes of both parties, brings forward new principles, to some of which we cannot subscribe, and seeks to cast upon us the blame of the want of success which has attended past endeavours to effect that object, which we cannot admit. The frankness, which has ever characterized all our correspondence with the British Government, requires that
our objections to those principles, and our dissent from such an imputation should be respectfully stated. In doing this I will begin with a brief statement of certain general propositions which are supposed to be incontestible [sic].

It is the undoubted right of every nation to prohibit or to allow foreign Commerce with all or any part of its dominions, wherever situated, and whatever may be their denominations, parental or colonial, or the modes of government in the respective parts. It may prescribe for itself the conditions on which the Foreign trade is tolerated; but these conditions are not obligatory upon other nations unless they, in some form, assent to them. All such conditions, in respect to Foreign Powers, are in the nature of proposals, which they are as free to accept or decline as the other party was to tender them. If a nation has colonies it may, unquestionably, reserve to itself, exclusively, the right of trading with them. But it cannot be admitted, that, in regard to Foreign powers, there is any thing in the nature and condition of Colonies, or in the relation which subsists between them and the Country to which they belong, which distinguishes the power of regulating their commerce from that which is exercised over the Parent Country. That parent Country may have its motives of jealousy or policy for a rigorous exclusion of all intercourse between its colonies and foreigners. But the moment it chooses to relax and open its Colonial ports to a Foreign trade, whether the relaxation is moved by a temporary or permanent interest or necessity, the right is acquired by Foreign States to examine and judge for themselves the conditions on which they are proposed to be admitted, and to reject or accept them accordingly. This right of Foreign nations is conceded, in the official note which I am considering, when the colonial power is urged, by the pressure of immediate wants, to throw open, for a time, its colonial ports; but is denied when it chooses to open them permanently. The right, in both instances, rests upon the same ground, and that is, that in all commercial exchanges, national or individual, the parties to them are equal and have the same independent power of judging each for himself, and there is much more reason, on account of the greater duration of the interest, that the right in question should be exercised in a permanent than a temporary trade.

All commerce is founded upon mutual convenience and advantage. And this principle is equally applicable to a commerce with colonial possessions and with the Country to which they belong, or to any other Country. In trading with any Colonies, we have no more imagined that a privilege had been gratuitously conceded to us than that we had made such a concession to the colonial power in allowing its Colonies to trade with the United States. It cannot, therefore, be admitted that any other compensation is due from the
United States to Great Britain for the permission to trade with her Colonies than that which springs from the mutual exchanges which are the object of that and of all Commerce. If the prosecution of any given trade be found, upon experiment, unprofitable to either party, that party will no longer pursue it; and we may safely confide in the discernment of individuals to repress or stimulate adventure according to the loss or gain which may be incident to it. The British Government, fully sensible of this salutary law, was supposed, in the recent liberal commercial policy which it professed, to have intended, by the example of her homage, to have inculcated its observance upon all nations.

The idea that the admission into colonial ports of Foreign vessels is a boon granted by the parent Country, that is, a benefaction without equivalent, is as new as it is extraordinary. In that intercourse which has been allowed by the British Government between its Colonies and the United States, never fully opened, sometimes entirely closed, and when reluctantly admitted fettered by numerous restrictions, we recognize any thing but a boon. The leading motive which appears to have actuated the British Government, in respect to the exchange of American and Colonial produce, has been to sell here, what could be sold, if sold at all, no where else, so profitably, and to buy of us exactly so much as she could obtain no where else, at least so profitably. On our side, whenever the trade has been open, there have been no restrictions as to the objects of exportation from the United States to the British Colonies. An enumeration here of the numerous prohibitions and restrictions on the British side, upon articles both of Colonial and American produce, would extend this paper to a most unreasonable length. And, with respect to the transportation of the subjects of this limited trade, the aim of the British Government has been, by all its regulations, to engross a disproportionate share. This intention was clearly developed in the treaty of 1794, and has been adhered to, with steady perseverance, during the thirty two intervening years. Such an intercourse deserves to be characterized in any other way than that of a British boon to the United States.

It cannot be admitted that the fact that the United States have no Colonies varies the principles applicable to an intercourse with the British Colonies. In the consideration of the conditions on which a Foreign trade shall be tolerated, it is of no consequence what name or what Government a State may choose to bestow on the several parts of its dominions. Some of the territories of the United States are governed by peculiar local forms, altogether different from those of the States of the Confederacy, but we have never contended that this anomaly ought to affect the regulation of our commercial intercourse with foreign powers. A Country
having no Colonies may be so situated as to afford the same kind of productions as both another Country and its Colonies. And there may be a greater difference in the nature and value of the productions of two different Countries, neither of which have Colonies, than exists between those of a Country and its Colonies, and another which has no Colonies. It might as well be argued that the fact of 24 States, composing this Union, entitles it to demand concessions from all other powers, whose territory is not divided into an equal number of similar parts, or that the United Kingdom, being constituted by the union of three kingdoms, would be justified in demanding upon that ground from any power, composed only of a single kingdom, more than it granted. In all commercial intercourse between different powers, the question resolves itself into the one of profit and loss. If it be the interest of the parties that the trade should be allowed, it is altogether immaterial how their territories are governed or divided, both have an equal right to judge of the conditions of the intercourse. It would be most strange, if the fact of a Foreign State (Sweden for example) possessing a Colony, no matter how unimportant, entitled such State to treat on different principles with Great Britain, in respect to an intercourse with her Colonies, from the United States.

Neither can it be admitted that the possession of Colonies entitles the nation holding them to the exclusive enjoyment of the circuitous Navigation between the parent Country, and a Foreign Country, through any or all of those Colonies, upon the ground of its being the prosecution of a Colonial trade, which is understood to have been taken by Great Britain. If the connexion between the United Kingdom, and its numerous Colonies, is to be regarded in the light of that of a continuous Coast, it must be allowed that this Coast has very great extent. It passes around Cape Horn, doubles the Cape of Good Hope, crosses the Atlantic Ocean, penetrates almost every Sea, touches every Continent, and encircles the Globe. A colonial coasting trade of this Universal reach presents none of the properties of an ordinary coasting trade, except that of the identity of Sovereign power. The foundation, on which Nations are supposed to reserve to themselves, exclusively, their own colonial trade, is not merely that of monopoly, but principally because they are thereby better enabled to check all evasions of their own laws—a reason which is inapplicable to the widely dispersed condition of the British colonial possessions.

Entertaining such opinions as have been herein stated, in regard to the power or Commercial regulation, the Government of the United States has always conceived that the trade between them and the British Colonies was open to all considerations which are applicable to any other trade; and that it was, consequently, a fit
subject of arrangement by treaty or in any manner by which any other trade might be regulated. Great Britain may undoubtedly, if she pleases, deny to herself the advantage of consulting with foreign powers, through the accustomed organs of intercourse, as to the conditions on which, with mutual benefit, the trade may be carried on. But, if she chooses to restrict herself to the single mode of regulating it by act of Parliament, it cannot be admitted either that such restriction is a necessary consequence from the nature of Colonies, or, as will be hereafter shewn, that it is in accordance with the practice of the British Government, itself.

The British Secretary of State alleges that in 1822 the British Government opened the colonial intercourse to us, and withheld it from all other powers; that, in effect, we thereby acquired a monopoly in the supply of the consumption of the British West Indies; but that Great Britain did not preclude herself from the right to open her colonial ports to other nations whenever it might suit her purposes. We did not ask that Great Britain should shut her colonial ports to other powers. The occlusion was, no doubt, in consequence of the estimate which she made of her own interests, without any intention to confer an exclusive benefit upon us, as the opening of them by the act of 1825 is according to a similar estimate. We have no right to complain, and never have complained, that Great Britain seeks for the United Kingdom and for its Colonies the best markets of sale and purchase, any more than we anticipate any complaint from her, if, when we are driven from her colonial ports, we should exercise the like liberty. If she has reason to felicitate herself that, by the course of events, she is enabled to draw from other sources those supplies which her Colonies had been in the habit of obtaining from the United States, we have perhaps occasion for equal congratulation that, by the same or other events, markets have been opened to us which may be found ample substitutes to those which it is her pleasure to close against us.

As to the monopoly which it is alleged we have enjoyed, it should be observed, that the relative position of the British West India Colonies to the United States, and the nature of their respective climates and productions, are eminently favourable to a mutually beneficial commerce between them. From their proximity to the United States they find their convenience in drawing from us those perishable and bulky articles which they want, rather than from more distant Countries. If the West India islands were situated on the European instead of the American side of the Atlantic Ocean, and Europe could supply as cheaply and abundantly the same description of articles as the United States, the British West India Colonies would prefer obtaining their necessary supplies from Europe. The United States contribute to other West India Colonies,
in as great extent, and share, in the Navigation between them, as largely as they do in their intercourse with those of Great Britain. This is the effect of the law of proximity. If it be a monopoly, it has emanated from no human power but from a much higher source. Far from repining at the dispensations of Providence, Nations, contented with the portion of this bounty which has been allotted to each, would do well to acquiesce, with cheerful submission, in the arrangements of the Universe which, in his wisdom, he has thought proper to order.

The United States have never made it a subject of serious complaint that, for the indulgence which their laws have granted of unrestricted liberty of importation or exportation of whatever is produced or manufactured in the United States or in the British Colonies, respectively, they have been met, in return, with a long catalogue of prohibitions and restrictions, including some of the staple commodities on both sides. Although they have desired the abolition of those restrictions, they have left it to the sole and undisturbed consideration of the British Government, whether the prosperity of their Colonies, themselves, would not be best promoted by the application to the intercourse of those liberal principles which have obtained the sanction of the present enlightened age. The Government of the United States has contented itself with insisting that, circumscribed as the trade has been, according to the pleasure of the British Government, the regulation of the navigation employed in it should be founded on principles of reciprocity, so as to allow fair competition between the vessels of the two Countries.

The position now assumed that colonial trade with Foreign States is not a fit subject for negotiation with those States, but belongs exclusively to the regulation of the parent Country, is entirely new. It is not sustained by the practice of other powers having Colonies. It is not sustained by the practice of Great Britain, herself, and this brings me to the consideration of what has passed between the two Governments in relation to this trade.

They negotiated on that subject, to go no further back, in the year 1794. Their negotiations resulted in the twelfth article of the treaty of Amity, Commerce and Navigation, which was then concluded. The very fact of treating, between two independent States, implies the right in each of considering and determining the mutual propositions which may be offered. The two powers again negotiated on the same subject in 1796, and because the Government of the United States did not conceive that the concessions of Great Britain contained in the 12th. article of the treaty of 1794 were equivalent to the concessions on their side, it was annulled. They again negotiated in 1815 and actually entered into stipulations, which, as you well know, form a part of the Convention of the third
of July of that year, for the regulation of the British East India trade, but not being able to come to any agreement, in regard to the British West India trade, it was left to the two Countries to regulate the subject by their respective laws. On that occasion, it was stated by Lord Castlereagh that the British Government would not regard as unfriendly any measures which the United States might think it expedient to put into operation for the regulation of that trade. And to guard against all misconception, it is, moreover, expressly provided in the treaty, itself, that, "The intercourse between the United States and His Britannic Majesty's possessions in the West Indies and on the Continent of North America shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such an intercourse." With what propriety then can it be affirmed that "to withhold from the Ship of a Country having Colonies trading from the mother Country to a foreign State, under a regular treaty between the two Countries, the right of clearing for another port belonging to that mother Country, in another part of the world, is an injury"—an injury "undoubtedly in deviation from the spirit of the treaty?" The regular treaty referred to excludes, by its positive terms, all regulation of the intercourse between the United States and the British Colonies in the West Indies. And yet it is contended that Great Britain has the right, according to the spirit of the treaty, not only to the benefit of the application of its provisions to a subject which it alone professes to regulate, but to have them applied also to another subject which is expressly declared not to be regulated, and as to which both parties are left in the "complete possession" of all their rights. And this is insisted upon, in behalf of Great Britain without any corresponding privilege on the part of the United States. If the treaty be competent to carry a British vessel through the British West India ports to the United States, and vice versa, whilst, under similar circumstances, those ports are to remain shut, by British authority, against a vessel of the United States, it would equally entitle such British vessel to pass through the ports of any and every Country upon the Globe to and from the United States. The United States might, without any violation of the Convention of 1815, interdict all intercourse with the British West Indies direct or circuitous. And surely the right to adopt the stronger and more comprehensive, includes the choice of the weaker, measure, that of prohibiting to be done by British vessels what Great Britain prohibits, under analogous circumstances, American vessels from doing. It is alleged that that right from the enjoyment of which we are interdicted, by British regulation, nevertheless existed in Great Britain antecedently to any treaty, and at a period when no claim
to any trade with British Colonies had even been whispered by
the United States. As a right it never existed one moment, since
the Independence of the United States. If the privilege were
exercised, it was from their moderation and by their sufferance.
Since that epoch we are unaware of any period of time when the
United States did not claim a reciprocal intercourse with the British
Colonies.

The two Countries again unsuccessfully negotiated in relation
to the colonial trade, in 1817, when Lord Castlereagh submitted a
draft of four articles, which did not prove acceptable; and in 1818
and 1819; and finally in 1824. What was the footing on which
the intercourse had been placed, by the laws of the two Countries,
at the period of opening that last negotiation, you will see by
adverting to the instructions of my predecessor, under date the 23
June 1823, with a copy of which you have been furnished. The
long and arduous discussions which took place between Mr. Rush
and Messrs. Huskisson and S. Canning in 1824 brought the parties
very near together. Each exchanged with the other the proposal
with which he would be satisfied, but as they could not then agree
upon either, it was concluded to suspend the negotiation, with a
distinct understanding, on both sides, that it should be again
resumed at some convenient day (See protocol of the 25th. con­
ference, page 131 of the printed pamphlet). From a comparison
of the American and British proposals, (See the former, annexed to
the protocol of the third conference, marked A, page 133 of the same
pamphlet, and the British counter project, marked L page 142—
See also the British paper marked V page 135) it will be seen,
1st. That both parties were willing to abolish all discriminating
duties on either side.
2ly. That the British Government was satisfied, and actually
offered, that the intercourse should continue restricted to the
direct voyage, as it then was by the respective laws of the parties,
that is to say, that an American vessel clearing from the British
West Indies with their produce for an American port should be
required to land her Cargo in such port; and, on the other hand,
a British vessel, clearing from the United States with their produce
for a colonial port, should be required to land her Cargo in such
port.

But, thirdly, the point on which the parties could not then
agree was, that the United States insisted that American produce
should be admitted into the British colonial ports upon the same
terms as similar produce received from any where else, that is,
either from a British possession or any Foreign Country. Such an
equal admission of our produce was contended for, in pursuance of
the enactments of the Congress of the United States, in the act of March 1823.

Thus the two parties amicably separated, I repeat, with the perfect understanding of each that the negotiations, in which such encouraging progress had been made, should be resumed, and brought to a final conclusion, at some future day. To that renewed negotiation the United States have invariably looked with the confident hope that, when the parties again met, they would be able to reconcile the only difference which obstructed an adjustment. They never could have dreamed that, without the smallest previous notice, and at the very moment of the arrival in England of a new American Minister fully prepared to resume the negotiation, it was to be suddenly arrested, and the new ground, for the first time, taken that the subject, itself, was of a nature to admit of no negotiation. Entire confidence being reposed on the resumption of the negotiation, as the means on which both parties relied, upon the recall of Mr. Rush in the Spring of 1825, Mr. King was sent to replace him, fully empowered to treat on all the subjects (including the colonial trade) of the previous negotiation. He was instructed, in the first instance, as being a subject of more pressing urgency, to invoke the interposition of the British Government to remove the impediments to the execution of the St. Petersburg Convention, which had been created by the British Commissioner at Washington. And he was informed that his instructions on the objects of the suspended negotiation should be transmitted to him in time again to open it.\textsuperscript{10} They would have been so transmitted but that, upon his arrival in England in the month of June 1825, he was indisposed, that he learnt that His Britannic Majesty was ill, and that Mr. Canning was also unwell, and moreover that the British Cabinet was dispersed over the island or upon the Continent in the pursuit of health and recreation.\textsuperscript{11} Happily His Britannic Majesty and his principal Secretary of Foreign Affairs were restored to health. The British Cabinet did not reassemble until the autumn of 1825, and Mr. King unfortunately remained feeble and unwell up to the period of his return to the United States, in consequence of his indisposition. If his instructions were not forwarded to him, it was because it was known that he was engaged in discussions respecting the St. Petersburg Convention, and it was believed that his languid condition did not admit of his entering upon the discharge of the more arduous duty of resuming the suspended negotiation. It would now seem to have been altogether useless to have transmitted them, the British Government having made up their mind, from the passage of the act of Parliament of July 1825 to close the door of negotiation. Such a purpose was never hinted
to the Government of the United States. On the contrary, as late as 22 March 1826 Mr. Vaughan addressed an official note to this Department, in which he stated "I have received instructions from His Majesty's Government to acquaint you that it is preparing to proceed in the important negotiations between that Country and the United States now placed in the hands of the American Minister in London. Mr. Huskisson has been already introduced to Mr. R. King, as His Majesty's Plenipotentiary, and the Minister of State having the Department of Foreign Affairs has received His Majesty's commands to associate Mr. Addington, late His Majesty's Charge d'Affaires in America, with Mr. Huskisson as joint plenipotentiary on the part of Great Britain.

["""]The negotiations will therefore be forthwith resumed, and it will be for the Government of the United States to judge whether, considering the state of the health of Mr. Rufus King, which Mr. Canning laments to say has been since his arrival in England far from satisfactory, will join any other negotiator in the Commission with him." If the British Government had then intended to bar all negotiation, in respect to the colonial trade, no occasion could have been more fit than the transmission of that note to communicate such intention. So far from any such purpose being declared, it is formally notified to the American Government that the British Government is preparing to proceed in the important negotiations &c. and that the negotiations will be forthwith resumed, (of course including the colonial trade.) It appears from the same note, that the British Government was perfectly acquainted with the feeble condition of Mr. King, and, therefore, made the friendly suggestion of associating some other person with him to conduct the negotiation. Mr. Vaughan was verbally informed that we should prepare as soon as practicable to renew the negotiation, and that the state of Mr. King's health would be taken into consideration. The President did deliberate on it, and your willingness to be associated with Mr. King, in that public service, was ascertained. In the mean time, and before the necessary arrangements could be made for your departure, a letter from Mr. King, under date the 21st. day of March 1826, was received desiring permission to return, which was promptly granted, and you were immediately appointed, by and with the advice and consent of the Senate, to succeed him. Without any unnecessary delay, you proceeded on your Mission, charged with instructions, framed in the most amicable spirit, to renew the suspended negotiation on all points.

It is now necessary to turn back to the British act of Parliament of July 1825. That act has never, to this moment, been officially communicated to the American Government by that of Great Britain, and it reached us only through other channels. We did
not suppose, whatever may be the general terms of its enactments, that it was intended to be applied to the United States, until at least the experiment of the renewed negotiation should have been tried and should have failed. We entertained that supposition because both parties, by all their correspondence and public acts, appeared to regard the renewed negotiation as the means of settling the existing difference. We had other cogent reasons for that supposition. If the British Government intended irrevocably to abide by the conditions which the act of Parliament prescribed, we believed, not only that it would have been officially communicated, with a notification to that effect, but that the British Minister would have been instructed to give such information as might be necessary to enable us clearly to comprehend its provisions. This information to a foreign Government could not be deemed altogether, in respect to an act of Parliament, extremely complicated, spread out into eighty six sections, besides various tables, and which was accompanied by a contemporaneous act, relating to the same subject, also containing numerous provisions, and both referring to other acts of Parliament, the titles of some of which are not even recited. Not only was no such information ever communicated, but you will perceive, from the accompanying correspondence with Mr. Vaughan, in the last month, that, up to that time, he was not provided with instructions to afford a satisfactory answer to the enquiry whether, according to the British interpretation of the act of Parliament, American vessels may trade between the British Colonies and Foreign Countries other than the United Kingdom in like manner with British vessels; and whether all discriminating duties and charges imposed either by the local authorities or by the British Parliament between vessels of the United States and British vessels have been abolished. The importance of the latter enquiry was increased by information which had reached us that lately, during the present year, the Government of Nova Scotia had passed an act, by which American vessels were subjected to higher duties or charges than British. That we sincerely believed that negotiation and not legislation was the means by which it was expected an arrangement was to be effected by the parties will further appear from a letter addressed by me on the 25th. day of December 1825 to a member of Congress, a copy of which is herewith transmitted. In that letter the opinion is expressed that the British Government could not have intended to apply the act of Parliament of 5 July 1825 to the intercourse between the United States and the British Colonies because "1st. It would be inconsistent with professions made by that Government to this, and with negotiations between the two Governments contemplated, if not yet resumed. 2ly. no notice has been given at Washington or at London of such a purpose
as that, which, for the first time, is indicated at Halifax. 3ly. The British Minister here is unadvised by his Government of any intention to close the colonial ports against our vessels; and 4ly. No information has been received here from any British colonial port, except Halifax, of such intention.” This letter was published in the American Gazettes, a copy of it was furnished to Mr. Vaughan, which he is understood to have transmitted to his Government, and it is believed to have had some effect in producing the revocation of an order of the local Government by which the port of Halifax was to have been closed against vessels of the United States from the 5th. of January last. The order was in fact, from whatever cause, revoked.15 And as that port, and all other British colonial ports remained, after that day, open to our vessels, we were confirmed in the belief that the act, in the present state of the relations of the two Countries, was not intended to be enforced on the commerce of the United States. This belief was further strengthened by the terms of the fourth section of the act, which are; “And whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions, to be carried to any foreign country whatever: And whereas, it is expedient that such permission should be subject to certain conditions; be it therefore enacted, That the privileges thereby granted to foreign ships, shall be limited to the ships of those countries, which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his order in Council, shall, in any case, deem it expedient to grant the whole, or any, of such privileges, to the ships of any foreign Country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign Country.” Now His Britannic Majesty was thereby authorized, by his order in Council, if he should in any case deem it expedient, to grant the whole, or any of the privileges, mentioned in the section, to the ships of any foreign Country, “although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign Country.” This investment of power in the Crown, to dispense with a strict compliance with the conditions of the act, in relation to any powers, like the United States, not having Colonies, seemed necessarily to imply discussion and consequently negotiation with such powers. It is not the object, in bringing forward the facts and observations which have been stated, in vindication of the American Government, to convey any re-
proaches against that of Great Britain on account of the late unexpected resolution which it has taken.\textsuperscript{17} Those facts and observations, however, shew that it ought not to excite any surprize [sic] that the Congress of the United States declined legislating on a matter which it appeared to them was both most fitting, in itself, and preferred by Great Britain, to be settled by mutual and friendly arrangement. When deliberating on the only proposition which was made, during their last Session, that of a simple repeal of all discriminating duties, which it now appears would have been unavailing, and would have fallen far short of British expectations, they were unaware that they were acting under the pains and penalties of a British act of Parliament, suspended over their heads, a non compliance with the strict conditions of which subjected the United States not only to the forfeiture of all intercourse with the British Colonies but was to be attended with the further consequence of terminating all negotiation even between the parties.

I will now proceed to a consideration of the specific conditions required by the act of Parliament, the non fulfilment of which is the professed ground of the late British order in Council. These conditions are understood to be contained in the fourth section of the act, which begins by reciting \textquoteleft\textquoteleft And whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the Countries to which they belong, goods, \textit{the produce of those Countries}, and to export goods from such possessions, to be carried to any foreign Country whatever: And whereas it is expedient that such permission should be subject to certain conditions.\textquoteright\textquoteright It then proceeds to enact, in respect to Countries not having colonial possessions, \textquoteleft\textquoteleft that the privileges thereby granted to foreign ships shall be limited to the ships of those Countries (not having colonial possessions) which shall place the commerce and navigation of \textit{this Country, and of its possessions} abroad, upon the footing of the most favoured nation, unless his majesty, by his order in Council, shall in any case, deem it expedient to grant the whole or any of such privileges to the ships of any foreign Country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign Country.\textquoteright\textquoteright\textsuperscript{18}

In considering this act of Parliament, the first circumstance which commands attention is the marked difference which it makes, in the conditions required of foreign powers, between those which have Colonies, and those which have none. From the Colonial powers it only demands, that they should grant to British ships privileges of trading with their Colonies like those which the British law of Navigation grants to those powers of trading with the British Colonies, that is to say, that such powers should allow to British vessels the privilege of importing British produce into their
Colonies, and of exporting goods therefrom to be carried to any
Country whatever, except the parent Country. But, from the powers
having no Colonies, the act demands that they should place the
Commerce and Navigation both of the United Kingdom and its
possessions abroad, upon the footing of the most favoured nation.
With the Colonial powers the act proposes an exchange of Colonial
trade for Colonial trade, exclusive of the trade of the parent Country.
With powers, not having Colonies, it proposes to give the British
colonial trade only in exchange for a trade between those powers
and the United Kingdom, and all its possessions abroad. From the
Colonial powers it asks nothing but mere reciprocity, which, viewing
the vast extent of the British Colonies, in comparison with those
of any other power, is only nominal. The act, on the contrary, is
not satisfied with demanding from the powers, having no Colonies,
reciprocity of privileges, but it requires that, in consideration of
the permission to import their produce into the British Colonies
and to export therefrom the produce of those Colonies to any
foreign Country, except Great Britain, those powers should at once,
extend to the Commerce and navigation of the United Kingdom and
its possessions abroad, the full measure of all commercial privileges
which they may have granted to the most favoured nation. It is
impossible not to see that this discrimination, made by the act of
Parliament, between different foreign powers, operates exclusively
upon the United States. All the maritime States have Colonies, and
therefore will be let into the trade with the British Colonies upon
the less onerous conditions. The United States are the only power
not having Colonies which trades or is ever likely to trade in any
extent with the British Colonies. And, if they alone had been named
in the second class of powers described in the act, the application
of its more burthensome conditions would not, in that case, have
been more exclusively confined to them. The trade of the United
States will bear an advantageous comparison with the trade of any
of the Colonial powers, either in its amount, or the value or variety
of the articles which it comprehends, is greatly superior to that of
most of them, and justly entitles us to demand from Great Britain
as favourable terms as those which are extended to any of them.
It is true that the act holds out the idea of some mitigation of these
conditions, in the authority confided to the King. But on what
considerations His Britannic Majesty might be induced, by his order
in Council, to exercise the dispensing power vested in him, is not
stated in the act itself, nor have they been disclosed by any order in
Council, or in any other manner which has come to our knowledge.
The very investment of such a power, I repeat, implied friendly
explanations and discussions, and consequently the means of nego-
tiation, which the British Government now rejects as altogether
inadmissible. Being therefore unable to ascertain the undivulged considerations which might have led to some relaxation or variation of the conditions of the act of Parliament, we are confined to an examination of those specific conditions themselves.

They require that the United States, to entitle themselves to the permission of importation and exportation, which is granted by the British law of navigation, should place the Commerce and Navigation of the United Kingdom, and of its possessions abroad, upon the footing of the most favoured nation. The first observation occurring is, that, at the very moment when the British Government is putting forth the new principle that the regulation of the trade of the parent Country and of its Colonies depends upon two rules, essentially different, the one admitting, and the other excluding all, consultation with foreign States, this act confounds them together, and requires not merely that we should place the British Colonies upon the footing of the most favoured Colonies but that, to entitle us to enjoy the privileges of an intercourse with those Colonies, we must comply with the requirement of placing the navigation and commerce, both of the parent Country and all its possessions abroad, on the footing of the most favoured nation.

The first difficulty which is encountered, in ascertaining the precise nature and extent of the conditions, prescribed by the act of Parliament, is that it furnishes no definition of the terms "the most favoured nation", which it employs. According to one interpretation of those terms, they import the gratuitous concession of commercial privileges. According to another they imply the nation which enjoys the greatest amount of commercial privilege, whether granted with or without equivalents. That the first was not the sense, in which the British Government intended to use those terms, we conjectured because, if it were, nothing remained to be done by the American Government to bring itself within the conditions of the act of Parliament, and we apprehended that the British Government required some positive act. Great Britain in that sense of the terms, is, in respect to the commerce and navigation both of the parent country, and its possessions abroad, on the footing of the most favoured nation. Whatever Commercial privileges are granted by the United States to any foreign Nation, by act of Congress or by treaties, are founded upon equivalents. Holding out the principle of fair reciprocity to all nations, we neither ask nor profess to bestow commercial boons. Thus, in respect to alien or discriminating duties, we have not abolished them, in behalf of any nation, which has not professed to abolish them as to us. If they are now levied upon British vessels, coming to the United States from British Colonies, countervailing duties are now also levied upon American vessels entering British Colonies, and have
been constantly, as Mr. Canning declares, from 1823. If the amount of American tonnage admitted to entry in British colonial ports, and of British tonnage entering American ports from British Colonies, were exactly equal, the collection of duties on one side would neutralize the collection on the other. But as there is much more American, than British tonnage, employed in the colonial trade, we pay a greater amount of those duties than Great Britain; and consequently, if there were cause of complaint on either side, on account of their existence, it would be with us. It could not therefore have been in the first but must have been in the second meaning of the terms that they are employed in the act of Parliament.

Great Britain is understood, then, to have demanded, that the United Kingdom, and its possessions abroad, should be allowed to enjoy, in the ports of the United States, the greatest extent of commercial privileges which we have granted, no matter upon what ample equivalent, to any foreign nation whatever. In order to ascertain the latitude of concession thus required, it is necessary to glance, and it shall be done as rapidly as possible, at the state of our commercial relations with other Foreign powers.

By the general law of navigation (see 6th. vol. of the Laws of the U. S. page 180) it is enacted that, after the 30th. day of September 1818, *no goods, wares or merchandize shall be imported into the United States from any foreign port or place, except in vessels of the United States or in such foreign vessels as truly and wholly belong to the Citizens or subjects of that Country of which the goods are the growth, production or manufacture, or from which such goods, wares or merchandize can only be, or most usually are, first shipped for transportation: Provided nevertheless that this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt a similar regulation.* Great Britain had, long prior to the passage of that act, adopted, and continues to enforce the restriction on which it is founded, whilst almost all other nations have abstained from incorporating it in their navigation Codes. A vessel, therefore, of the United States, on entering a British port, being limited by British law, to the introduction of goods, the produce of the United States, a British vessel on entering their ports, is limited to the introduction of goods being of British product. Whilst the vessels of all other nations, which have not adopted the restrictive regulation, are allowed, on entering a port of the United States to introduce any Foreign produce whatever, by paying the alien or discriminating duties, from which vessels of the United States are exempted. 21

By particular arrangements with various powers, some by treaty,
and others by separate but reciprocal acts of the Governments of the United States and those powers, the alien duties of the United States are abolished as to them; and their vessels and those of the United States are allowed the reciprocal liberty of importation and exportation at the same rate of duty upon both ship and Cargo. Thus by the act of Congress of January 1824, "so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between Foreign vessels and vessels of the United States, is hereby suspended so far as respects vessels truly and wholly belonging to subjects or Citizens of the Kingdom of the Netherlands, of Prussia, of the Imperial Hanseatic Cities of Hamburg, Lubeck and Bremen, of the Dukedom of Oldenburg, of the Kingdom of Norway, of the Kingdom of Sardinia, and of the Empire of Russia." And it enacts a like suspension of the discriminating duties on the Cargo of any of the vessels of those several Countries. But it further enacts that the suspension of those duties shall "continue in behalf of each of the above mentioned nations, on condition that, and so long as, the vessels of the United States, and truly and wholly belonging to the Citizens thereof, and all goods and merchandize, of the produce and manufacture thereof, laden therein, and imported into any of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect whatsoever, other or higher than is levied upon the vessels and merchandize therein imported, belonging to the subjects or Citizens of each of the said nations respectively." 22

Thus, therefore, to comply with the conditions of the act of Parliament, we must 1st. have allowed British vessels to import into the United States the produce of any foreign Country whatever, upon the payment of the alien duties, although vessels of the United States are and should have remained prohibited to import into British ports like produce, upon any terms whatever. And 2ly. we must have abolished or suspended our discriminating duties, placing Great Britain upon the footing of the most favoured nation, in whose behalf we had abolished or suspended them, although it now appears, from the averment of Mr. Canning, that duties of at least an equal amount have been, since the adoption of the order in Council in the year 1823, and now are, levied upon American vessels and their Cargoes in British colonial ports.

So stood our law, and such must have been our compliance with the conditions of the act of Parliament, at the time of its passage. But we suppose it to have been the understanding of the British Government that, if subsequent to that period we should grant to any foreign nation still greater privileges than those above described, by treaty or otherwise, in consideration of equivalents or not, such
more extensive privileges must have immediately accrued to the United Kingdom and its possessions abroad, upon the rule of the most favoured nation, or we must have subjected ourselves to the forfeiture of the colonial trade, denounced by the act of Parliament.

Now, subsequently to the date of that act, to wit, on the 6th. December last, we concluded a treaty with the Republic of the Federation of the Centre of America which, having been afterwards ratified by both parties, is now in full operation. By this treaty, it is stipulated that whatever can be exported from or imported into either Country, in its own vessels to or from any foreign place whatever, may, in like manner, be exported or imported in the vessels of the other Country, the vessel and the Cargo paying, in both cases, the same and no higher duties, and, consequently, neither paying the alien duties. If we had entitled ourselves, by the fulfilment of the required conditions, to an intercourse with the British Colonies, we would now be obliged, in order to retain the right to that intercourse, to allow British vessels, both of the parent Country and its possessions abroad, a liberty of exportation and importation coextensive with that of the vessels of the United States, although the interdict of the British law of navigation should remain in full operation on the vessels of the United States.

If we are mistaken in the extent of the concessions required by the British Government to place the United Kingdom, and its possessions abroad, on the footing of the most favoured nation, the best and most friendly mode of correcting our error would have been to have accompanied an official communication of the act of Parliament with a full and frank explanation of those conditions, the performance of which, on our part, would have satisfied that Government. By withholding all explanation, if the Congress of the United States had legislated on that subject, at its last Session, it must have acted either 1st. upon the exposition of the conditions of the act of Parliament now given, or 2ly. upon the views of the British Government as disclosed in the negotiations of 1824. It could not have conformed to the conditions of the act of Parliament, as we understand them, without a manifest sacrifice of the interests of the people of the United States, and an abandonment of those principles of reciprocity for which they have ever contended, in all their negotiations with Foreign powers. It now appears that it would have been unavailing if Congress had legislated in compliance with the views of the British Government, as presented in the negotiations of 1824. According to those views, that Government was then willing that the trade between the Colonies and the United States should continue restricted as it then was, by the laws of the two Countries, to the direct intercourse, that is to say, that a British
vessel clearing from the United States for a colonial port should be bound to land its cargo in that port; and an American vessel clearing from the Colonies for the United States should be bound to land its cargo in them. But without any intimation to us, through the regular Diplomatic channel, of an alteration in her views, Great Britain has now changed them, and on the 11th. September 1826, for the first time, announced her determination not "to consent to enter into any renewed negotiation upon the intercourse between the United States and the British Colonies, so long as the pretension (the above restriction as to the direct intercourse) recorded in the act of 1823, and there applied to British Colonies alone, remains part of the law of the United States." 24 And we are also given to understand "that the British Government further owes it to the spirit of frankness which it wishes to cultivate in all its relations with the United States, to declare, that, after having been compelled to apply to any Country the interdict prescribed by the act of 1825, the British Government cannot hold itself bound to remove that interdict, as a matter of course, whenever it may happen to suit the convenience of the foreign Government to reconsider the measures by which the application of that interdict was occasioned." The pretension referred to is the exact counterpart of a similar pre-existing pretension contained in the act of Parliament of 1822. 25 The British Government does not appear to have reflected that its rejection of all negotiation, on the subject, deprives it of the best of the only two modes of getting rid of the exceptionable restriction.

From what has been now advanced it has been established 1st. That the colonial trade was a fit subject for the adjustment, by friendly negotiation between the two powers, of the conditions on which it should be carried on. 2ly. that it has been long and often, in fact, a subject of negotiation between them. And, thirdly, that the American Government was bound to conclude, from every thing which passed between the two Governments, that both parties entertained the expectation that it was to be arranged by negotiation, and only by negotiation. It was under this full conviction that your general instructions were prepared. What may be the nature of the proposals which you were authorized to make, upon the renewal of the negotiation so confidently anticipated, it is not now proper should be communicated to the British Government. Respect for ourselves no less than for that Government forbids that we should obtrude upon their consideration proposals, against which they have deemed it proper to shut their ears. It will be, however, no violation of that respect to say that they were of a character, on all the disputed points between the two Governments, authorizing us to believe that they would be satisfactory.

The Government of the United States is animated by the
sincerest desire to maintain with that of Great Britain not merely the forms of courtesy and amity, but to cultivate a cordial and lasting friendship, to settle every controverted question between them upon principles of justice and reciprocity, and, by an enlarged liberality in their mutual intercourse, to advance the real prosperity of both. Entertaining this desire it has learnt, with the most lively regret, the resolution of the British Government to close the door against those friendly explanations, and that frank and mutual exposition of the wishes and views of the parties, which are or should be the object of all negotiation. The harmony of nations requires that every avenue to such explanations should always be kept fully open. But such a free access on all questions appears to the Government of the United States to be especially desirable between two such nations as Great Britain and the United States, whose interests and happiness are so intimately interwoven. By rejecting the ordinary mode of treating through the established agency of accredited Ministers, and substituting to it that of mutual legislation—which after all is but another though less advantageous mode of negotiation, we deprive ourselves of many facilities. Congress and the British Parliament are numerous bodies, acting in different and distant spheres, and it is not derogatory from their undoubted wisdom and superior intelligence to suppose that their organization is not the best suited to the exercise of diplomatic functions, in all cases. A single word of explanation, an instantaneous suggestion of the modification of a proposal, elicited in conference, may lead to the adjustment of a difference when Ministers are treating face to face, which might not be settled for a long time in a negotiation conducted between two bodies, each composed of several hundred members, separated by the Atlantic Ocean.

We do not mean to bring forward any formal complaint against Great Britain on account of her determination to exclude one of the means which experience has evinced to be best adapted to the accommodation of national differences. Our main purpose is to shew that the United States are not justly chargeable with the consequences which may flow from that most unexpected decision.

As the only alternative which the course adopted by that Government has left, the President has determined, to give a signal proof of his anxious wish to preserve a good understanding between the two Governments, by laying the whole correspondence which has passed between them on this subject, including the instructions to our several Ministers at the Court of St. James, before Congress at its next Session. The wisdom of that body, in the actual state of things, is alone competent to decide whether the Colonial intercourse shall remain closed, according to the pleasure of the British
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Government, as manifested in the late order in Council, and
whether that portion of it left open by the order shall remain open,
or on what conditions, compatible with the interests of the people
of the United States, Congress is willing the trade should be placed.
You will accompany the communication of the substance of this
despatch, or the substance of such parts of it as you may not have
anticipated in any answer to Mr. Canning’s note presented from
yourself to the British Government with the assurance that, notwithstanding their present decision, the Government of the United
States, at all times hereafter, will be ready, at Washington or at
London, to treat of the colonial intercourse, whenever it may be
their desire or inclination to negotiate on that subject. I am,
respectfully, Yr. obt Servt.

H. Clay

LS, NHi-Gallatin Papers (MR14). AL draft, in DLC-HC (DNA, M212, R8); copy in DNA, RG59, Dip. Instr., vol. ii, pp. 188-211 (M77, R6). John Quincy Adams reported that Clay’s draft of these instructions was discussed briefly, but not read, in Cabinet meeting on November 11; that several changes, as noted below, were proposed; and that Clay raised “for consideration” the “nettles scattered through the note.” Adams commented: “I said I wished them all to remain, for after flooring Mr. Canning upon his logic it was well to give him also some return for his gibes.” Memoirs, VII, 175.

2 See above, Clay to Carey, June 6, 1825, note.
3 Jay’s Treaty.
4 The next two paragraphs were added by Clay as a supplement to the first draft.
5 Annulment of the article under discussion had been accomplished by an “Additional Article,” to which the contracting parties had agreed in 1795. The negotiations of 1796 had not been related to the twelfth article of the treaty. Ratifications of the Jay Treaty had been exchanged in London October 8, 1795; the treaty had been proclaimed in the United States on February 29, 1796.
6 See above, II, 58.
7 See above, Clay to Gallatin, June 19, 1826, note 9.
8 Cf. above, Clay to King, May 10, 1825.
9 See above, Clay to Gallatin, June 19, 1826, note 9.
10 See above, Clay to King, May 10, 1825.
11 See above, Brown to Clay, March 30, 1826; King to Clay, April 11, 1826; Smith to Clay, July 15, September 19, 1825.
12 Above, Clay to Vaughan, October 19, 1826; Vaughan to Clay, October 20, 1826.
13 Cf. below, Clay to Lloyd, November 13, 1826; Lloyd to Clay, December 9, 1826.
14 Churchill C. Cambreleng.
15 See above, Vaughan to Clay, February 18, 1826.
16 See above, Gallatin to Clay, August 19, 1826, note.
17 The following sentence was here deleted by Clay from his original draft: “It had the undoubted right to take that resolution, as it has that of refusing to treat with Foreign powers on the subject of a Commercial intercourse with any part of its dominions, parental or colonial.” Adams, in criticism of the original draft, commented: “There were in one or two passages concessions of a right in Great Britain to ordain this interdiction and to refuse negotiation concerning it. I thought they had better be omitted, the right of interfering commerce being questionable when applied exclusively to one nation, and that refusing negotiation scarcely being maintainable after a formal and positive promise to negotiate.” Memoirs, VII, 174.
18 Quotation marks as given; the quotation is inexact. Cf. above, p. 906.
19 To this point this paragraph was added by Clay, as a supplement to his original draft, in accordance with a recommendation from Adams, who thought “there should be some enlargement of remark upon the discrimination made in British Acts of Parliament in their conditions upon the admission of shipping between nations having colonies and nations having none, the latter designation applying in its practical operation almost exclusively to the United States, and being only a covert mode of establishing regulations peculiarly adverse to them.” Memoirs, VII, 174.
20 That is, 1817. The quotation is located in 3 U. S. Stat., 351 (March 1, 1817).
DIPLOMATIC NOTES

November 11, 1826

From Steen Bille, Washington. Acknowledges receipt of Clay's note of the preceding day; states that, upon arriving in the United States, he "perceived, from the wording of the 7th. Article [of the treaty], that there existed some possibility of a misconstruction of its real intent and meaning" and stated "the fact" to his government; reports that he has "now the satisfaction to add" that he has "been authorized . . . to declare . . . that measures have been taken accordingly by the Danish Government to secure the due execution of the 7th. Article" in accordance with the meaning stated by Clay. LS, DNA, RG59, Notes from Danish Legation, vol. 1 (M52, R1).

From C. D. E. J. Bangeman Huygens, Washington. Acknowledges receipt of Clay's note of October 25; explains that equality of treatment of the flag of each country existed in the United States and the Netherlands from the treaty of 1782 to the time of the occupation of the Low Countries by a foreign power during the European war; that, during the latter period, the Dutch granted special tariff privileges to their own vessels engaged in certain commercial activities, without apparent injury to the system of reciprocity; that the tariff of 1822 was imposed according to the same principle, in the belief that the government was not restricted, in enactment of the law, by the requirement of equality toward the American flag in respect to duties; and that the United States is treated on the same basis as other foreign powers which have equalized tonnage duties with the Netherlands. Argues at length that the United States has failed to grant reciprocity to the flag of the Netherlands. Concludes by stating that he has forwarded Clay's note to his government. LS, in French with trans, in State Department file. DNA, RG59, Notes from Dutch Legation, vol. 1 (M56, R1). Trans. published in American State Papers, Foreign Relations, VI, 379-81.

INSTRUCTIONS AND DISPATCHES

November 11, 1826

From Albert Gallatin, London, no. 22, "Confidential." Explains the basis on which was founded "The informal offer of £250,000 in lieu of the Sums which Great Britain might be liable to pay, as indemnity and compensation for the Slaves and other private property carried away in Contravention of the 1st Article of the Treaty of Ghent" (cf. above, Gallatin to Clay, September 13, 1826); reports agreement at a conference, November 9, with (George) Canning, at which (William) Huskisson and (Henry U.) Addington were also present, on the sum of $1,204,960, payable by the British in installments; reviews the settlement of details of the convention, worked out on the basis of this agreement; notes that ratifications are to be exchanged in London, that the Convention of St. Petersburg is annulled but its rules are to govern the new commissions to be established, and that the British plenipotentiaries insisted on
inserting in the new convention a statement "that the British government should have no further concern or liability on that subject." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received December 16. Published in American State Papers, Foreign Relations, VI, 351-53.

MISCELLANEOUS LETTERS November 11, 1826

To [Peter Force]. Informs him that W(illiam) W. Worsley wishes to exchange the Louisville Focus for the (Washington) Daily National Journal and pay any difference that may be charged. AN. DLC-HC (DNA, M212, R2). Addressed on wrapper: "Mr. Force. The Editor of the Nat. Journal."

From D. W. and C[harles] W. Hutchens, Elizabethtown, Kentucky. Report that the (Brookville, Indiana) Franklin Repository has been transferred to Augustus Jocelyn, of Brookville, Indiana, who is entitled to receive the compensation for having published the laws. ALS. DNA, RG59, P. and D. of L. Jocelyn was a Methodist minister and a teacher as well as an editor. He retained the contract to publish the laws until the Second Session of the Twentieth Congress. Shortly thereafter he ceased publication of the Franklin Repository and began a new journal, the Western Agriculturist and General Intelligencer.

From A. J. Schwartze, Baltimore. "Understanding, that claims on foreign Governments will be brought to the view of Government though originating prior to the period assigned by the Resolution of Congress of 19 May last," submits, "in behalf of the Chesapeake Ins. Co., two lots of claims," mainly against France. ALS. DNA, RG76, French Spoliations, 1791-1829. Schwartze, born in Germany, was a merchant and president of the Chesapeake Insurance Company, which had been chartered in 1804 to deal in marine insurance. The company's claims dating from prior to 1805 amounted to nearly $70,000. All of them were suspended and remained unsettled when the commissioners acted under the convention with France of 1831. American State Papers, Foreign Relations, VI, 552-53; Sen. Docs., 23 Cong., 1 Sess., no. 417, pp. 72-89 passim.

From Edward Watt, Winchester, Virginia. States that he has received, in response to his request of October 14, a letter from (Josias W.) King informing him that the documents in question could not be found. Further identifies the documents and notes that they were not presented "Officially" but were deposited in Clay's office, "from whence they could the more readily be transferred as occasion might render expedient." Suggests that "the mention of these circumstances may" aid in locating the papers. ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS November 11, 1826

Benjamin Helm, Elizabethtown, Kentucky, recommends Charles W. Hutchens, editor of the (Elizabethtown) Western Intelligencer, for publishing the laws. Notes that Hutchens "has recently moved to this place." ALS. DNA, RG59, P. and D. of L. Helm, a Virginian by birth, brought to Kentucky as a child, had been a member of the State Senate (1796-1800), a soldier in the War of 1812, and clerk, successively, of the local and State courts of Hardin County, from 1800 to 1817. The newspaper to which he refers, established in March, 1826, did not receive the recommended patronage.
C[harles] W. HUTCHEN, Elizabethtown, Kentucky, solicits the printing of the laws in the (Elizabethtown) Western Intelligencer. ALS. Ibid. The request was not granted.

ASHER ROBBINS, Newport, Rhode Island, having been "told that the Guatemala [sic] Treaty [above, December 5, 1825] is to be published by selected Papers . . . at the special charge of the Government," requests "that the Editors of the [Newport] Rhode Island Republican . . . may share in the favor." LS. DNA, RG59, Misc. Letters (M179, R64).

From William Henry Harrison

My dear Sir Cincinnati 12th. Novr. 1826.

Your letter of the 9th. Ultimo came to my hands yesterday Evening. It had reached this City shortly after my departure for Vincennes where it also arrived after I had set out on my return home. I have Written to P. & said every thing to him which I thought likely to Move him in behalf of our friend R.2 I shall also to [sic] write to an intimate friend who lived in my house at Vincennes for one year & whom Read said could render him as much service as any Man in the State. It is a Methodist preacher of the name of Winans.3 to whose influence is attributed the last defeat which Poindexter sustained.

I was received on my late Visit to Indiana With all the Kindness & Distinction which they have ever manifested towards me At the Dinner given me at Vincennes there Were several respectable Jacksonians who have ever been warm friends of Mine, On that account the proceedings Were of a Neutral Character But at that which was provided for me at Princeton where there was no such impediment the Warmest friend of the administration would have been gratified at the sentiments which Were expressed. I did not neglect the occasion which my being called up presented to give my opinion upon the course which the administration has persued [sic]. I had sufficient reason to beleive [sic] that the seed was sown neither upon a rock nor among thorns. Deputations met me at Princetown [sic] with invitations to other places but my time was so limited [sic] that I was forced to decline them. The rival candidates for the Senate in Indiana have been very active Blackford & Jennings4 Were with me at Vincennes & Princeton. The former will get the members from the West end of the State with the exception of one or two & those will be in favor of Noble.5 The center Districts are generally for Jennings But there also Noble will break in upon him. I think upon the whole that Nobles prospects are best But the friends of Blackford calculate with some prospect of success of getting the Votes of Jennings ultimately [sic]. I could take no part whatever in the contest. Jennings told me he was
certain that I would do him no injury & that his only wish was to be upon an equal footing with the others by letting the people know that We Were no longer enemies.

Have you seen An Article in the Reporter of the 30th Ult. in relation to the Election of Genl. Findlay? If you have not I beg you to look at it. Had it appeared in any other paper I should have felt no other sensation than that of contempt. But I confess that from that source it was calculated to produce the Most unpleasant feelings. If I am not much mistaken it is not calculated to render service to the cause of the administration.

Hendricks Roan Cook & Boon are here. They will set out to day for Wheeling. I shall not be able to follow them for 8 or 10 days. Cook says that Scott Will be elected to the Senate from Missouri. Judge Wash of that State gave a similar opinion lately to a gentleman of Indiana.

Present My Regards to Mrs Clay. I am your friend.

Honble H Clay

W. H. HARRISON

ALS. DLC-HC (DNA, M212, R2). 1 Not found.

2 George Poindexter; Thomas B. Reed.

3 William Winans, who had been a circuit rider in Indiana and Kentucky from 1808 to 1810. Born in western Pennsylvania, he had moved in his youth to Ohio, where he had become a Methodist exhorter. In 1810 he had gone to Mississippi Territory and thereafter, except for five years as a Mississippi school teacher, served the Church in the southern States. He was one of the founders, in 1845, of the Methodist Episcopal Church, South.

4 Isaac Blackford; Jonathan Jennings.

5 James Noble, who won re-election.

6 Their political enmity had existed as early as 1809, when Jennings, a successful candidate for the office of Territorial delegate to Congress, emerged as a bitter rival of Harrison. Goebel, William Henry Harrison, 85.

7 Cf. above, Clay to Adams, July 25, 1826, note. The Lexington Kentucky Reporter, of October 30, 1826, had argued that Findlay's victory, interpreted by Jackson editors as evidence of the strength of their cause, had been won with the support of many friends of the Adams administration and "that Gen. Jackson, instead of gaining, has lost ground since the Presidential election."

8 William Hendricks; John Rowan; Daniel P. Cook; Ratliff Boon.

9 John Scott. Cf. above, Charles to Clay, November 1, 1826, note.

10 Robert Wash, judge of the Missouri Supreme Court, 1825-1837, had been born in Virginia, had begun the practice of law in Missouri by 1815, and had been a member of the Territorial legislature and, briefly, in 1818 and 1823-1824, United States attorney for Missouri Territory.

MISCELLANEOUS LETTERS November 12, 1826


acknowledged, on November 18, receipt of this communication. ALS, in DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

To HARRY I. THORNTON, Huntsville. Forwards his commission as United States attorney "for the Northern District of Alabama." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 421 (M40, R19). Thornton acknowledged receipt of the commission, and accepted it, on December 1, 1826. ALS. DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2).

From WILLIAM WIRT, Annapolis. Requests letters of introduction for a person introduced to Wirt "by a letter from Genl La Fayette as a Swiss gentleman . . . who having made some purchases of lands in Kentucky, wishes to go out for the purpose of examining the titles, value &c." Notes that letters to residents of Richmond and Frankfort, Kentucky, are requested and that Wirt does not know "the residences of the friends and acquaintances" he has made, in Washington, from that State. Asks that the enclosed letters, from the Swiss gentleman and Lafayette, be sent by messenger to Mrs. Wirt. ALS. DNA, RG59, Misc. Letters (M179, R64). No letters of introduction for the "Swiss gentleman" (not identified) have been found. Wirt's wife (his second) was Elizabeth Washington, daughter of Robert Gamble.

APPLICATIONS, RECOMMENDATIONS November 12, 1826

THOMAS CHILTON, Elizabethtown (Kentucky), recommends that the (Elizabethtown) Western Intelligencer, edited by C. W. Hutchen, be authorized to publish the laws and assures Clay that his help in the matter "will be gratefully acknowledged by one of . . . [his] former friends & supporters." LS. DNA, RG59, P. and D. of L. Chilton, a lawyer, had been born in Garrard County, Kentucky, had begun practice in Owingsville, and had been a member of the legislature in 1819-1820. He was a member of the United States House of Representatives, 1827-1831, 1833-1835; moved, later, to Alabama; became a Baptist preacher; and served churches in Kentucky, Alabama, and Texas. Cf. above, Helm to Clay, November 11, 1826, note.

JAMES CRUTCHER, Elizabethtown (Kentucky), recommends the appointment of Charles W. Hutchen, editor of the (Elizabethtown) Western Intelligencer, to publish the laws; notes that Hutchen's paper, "under a different [n]ame," was "selected for that [p]urpose in the State of Indiana"; adds: "I could use no argument, which would impress your mind more deeply than this; to wit; that institutions, like flowers in the bud, need the fostering Care of the Cultivator. This among the rest. Your friendship in the matter, will Confer an obligation on me." LS. DNA, RG59, P. and D. of L. Crutcher, Elizabethtown merchant and inn-keeper, a veteran of the War of 1812, had come to Kentucky in his youth and had served locally as a judge, a member of the Kentucky House of Representatives (1815), and a State senator (1817-1822, 1824-1828).

NATHANIEL W. WATKINS, Jackson, Missouri, recommends the appointment of Johnson Ranney, also of Jackson, as United States district attorney for Missouri, to succeed (Edward) Bates, elected to Congress. ALS. DNA, RG59, A. and R. (MR3). Ranney, a native of Connecticut and a veteran of the War of 1812, had practiced law in Missouri for about a decade and, as a member of the Missouri Legislature in 1824, had opposed passage of a resolution endorsing the presidential candidacy of Andrew Jackson. Ranney did not receive the appointment here recommended.
To James Lloyd

To Peter B. Porter

To James Lloyd

Dear Sir (Private).

Washn. 13h. Nov. 1826

In the observations with which you have favored the public on the Colonial trade, you speak of an act of the Legislature of Nova Scotia of the 31st. March last, levying new duties &c. Can you furnish me with a Copy of that act, or tell me where, in this Country, I can obtain it? I shall be greatly obliged by your attention to this request. I am respectfully Your ob. Servt. H Clay

James Lloyd Esq

ALS. PPL-R.

Lloyd had recently published a pamphlet, Remarks on the Report of the Committee of Commerce of . . . Thirty-First of March, 1826, on the British Colonial Intercourse.

To Peter B. Porter

Peter B. Porter Esqr. New York

Sir, Dept. of State, Washington 13 Novr. 1826.

[Clay can now "communicate . . . the decision of the President on the point respecting which" Porter asked instructions in his letter of November 2. He quotes the part of this letter that refers to (Anthony) Barclay's proposals concerning Lake Namokan (Namakan) and the Grand Portage.]

As to the question so referred, your powers are to be found in the Treaty of Ghent, and they do not authorise your contracting any new Engagements in behalf of the United States. The President is incompetent to vest you with authority to enter into any such new engagements, except in the mode in which the constitution of the U. States prescribes— According to that mode, it would be necessary that you should possess a diplomatic Character, and that any compact you might form in concurrence with a Representative of Great Britain, having a similar character, should be submitted to the Senate of the U. States for their advice and consent— Mr. Barclay is not understood to have any such character.—

Any stipulation that the Grand Portage should remain free to both parties is, moreover, unnecessary, according to the principles, which the Government of the United States considers applicable to the subject.— Agreeable to these principles, both parties, Great Britain and the U. States have the right of Navigation from the highest navigable source of the Lakes to the sea, through all the water communications by which they are connected with one another, or with the ocean— To enter into a stipulation by which that right shall be affirmed, in regard to any particular link of that chain, would therefore not only be superfluous, but might bring
into question the soundness of those principles in their application to other parts of the same chain.—

I am, Respectfully, Your obedt. Servt.,

H. Clay.

Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 422-23 (M40, R19).

From Boyd McNairy

The Honble. H. Clay

Nashville 13th. Novr. 1826

Dr. Sr.

You will excuse a second application on the same subject; I want my son John Sims McNairy\(^1\) got in West Point University, Any attention you may render on this subject, will be gratefully acknowledged [sic], Majr. Eaton\(^2\) during the last Session of Congress informed me his name was placed in the war office. Since that time, things have occured [sic] which will prevent Any exertion on his part; All the great men of our state would be opposed to the appointment. the only reason, I am an administration man—It is presuming a great deal probable [sic] to write; but Sir, feeling as I do, and being openly opposed to the Aristocracy of our state, I feel great solicitude about future results— Do not fail to Operate effectively in the state of New York, that point gained every thing secure— If there should be a vacancy in the Marshalls place of our state, permit me to recommend to your consideration Theo. F. Bradford\(^3\) of Bedford county to fill the vacancy. He is a gentleman fully qualified to perform the duties, and is violently opposed by the ruling party of our state, & has been so, in all matters & things for 10 years upon the same grounds— With high respect

Your daughter Mrs. Irwin\(^4\) Well [sic]—

Boyd McNairy

ALS. DNA, RG59, A. and R. (MR1). McNairy, son of John McNairy, had been brought in his childhood from North Carolina to Nashville, where, after being graduated from the Medical School of the University of Pennsylvania, he practiced his profession for over fifty years.

\(^1\) Not further identified. He did not receive the desired appointment.

\(^2\) John H. Eaton.

\(^3\) Theodorick F. Bradford had published a newspaper in Clarksville, Tennessee, 1810-1811, and had established the first newspaper in Bedford County, the Shelbyville Tennessee Herald, which he conducted from 1816 to 1818. He was in 1826 a member of the Tennessee Legislature, where he served four terms. There was no subsequent appointment of a marshal in Tennessee during the Adams administration.

\(^4\) Mrs. James Erwin.

DIPLOMATIC NOTES

November 13, 1826

To Charles R. Vaughan. Transmits, "to be communicated to the Government of His Britannic Majesty," copies of the letter from John Irwin (to Clay) of June 30 (1826), "with the accompanying documents." Declares that the President, "Believing that the British Consul could have had no warrant for his conduct, derived from his Government," expects "that, he will receive such
INSTRUCTIONS AND DISPATCHES November 13, 1826

From James Brown, Paris. Summarizes "an understanding," said to have been reached among "the principal European powers," that there shall be "no opposition . . . to the adoption of the Portuguese Constitution"; that, in case of necessity, "Great Britain . . . may aid" militarily the Portuguese Regency; that Portugal must not excite opposition to the Spanish Monarchy; that pressure will be exerted on the King of Spain (Ferdinand VII) to grant a constitution to his subjects; and that an end to the war between Greece and Turkey shall be sought on the basis of payment of tribute by Greece in return for "the establishment of a Government there on the same principles as that now existing in Wallachia and Moldavia." States that "Don Miguel has sworn to the Portuguese Constitution" and notes the forces in Spain opposed to a constitution in that kingdom. Adds: "I have not had the honor of a line from you since your return from the Western Country." ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26). Received December 21.

From Albert Gallatin, London, no. 23. Transmits "a Convention concluded this day . . . , by which Great Britain agrees to pay, and the United States agrees to accept the sum of 1,204,960 dollars, in lieu of and satisfaction for the indemnity due on account of slaves and other private property carried away in contravention of the first article of the treaty of Ghent." Traces briefly the negotiations leading to the convention, of which the ratifications are to be exchanged in London. ALS. Ibid. Great Britain, vol. 33 (M30, R29). Received December 16. Published in American State Papers, Foreign Relations, VI, 353-54. Cf. above, Gallatin to Clay. November 11, 1826.

MISCELLANEOUS LETTERS November 13, 1826

From William Blagrove, New York. Appeals, in behalf of Richard Sealy, of New York, from a decision by (William) Thornton rejecting an application for a patent. ALS. DNA, RG59, Misc. Letters (M179, R64). Blagrove, a lawyer, has not been further identified. Sealy had already received patents for "Distilling, still, steam and condenser"; "Lever, raising bodies"; "Bed-bug, destroying"; and "Pumps, beer and cider."

From John Forrester, Salem (Massachusetts). States that one of his ships with cargo proceeded from Charleston to Cowes, England, and from there to Havre, where an extra duty amounting to $2,268 was demanded. Alleges that this duty was contrary to "the convention [of 1822] between" the United States and France and requests the aid of the State Department in gaining restitution. LS. DNA, RG76, French Spoliations, 1791-1829. Forrester was a wealthy merchant and ship owner.
From James Ph. Puglia, Philadelphia. Refers to Clay's letter, to him, of September 27, 1825; forwards, through Clay's "official conveyance," an "exposition" to the President. ALS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure, Puglia appeals to the President for relief.

From Andrew Ritchie, Boston. Thanks Clay for his "prompt attention" to the letters of (Harrison G.) Otis and himself "on the subject of the Danish treaty" (above, Ritchie to Clay, October 30, 1826; Otis to Clay, November 1, 1826). Notes receipt of "the enclosed," which has pleased him and which he hopes "will be acceptable to" Clay. ALS. Ibid. The enclosure, a note to Ritchie from a friend in New York, reports the arrival of a Danish vessel bearing dispatches for (Steen) Bille, in New York at that moment, informing him of "Instructions . . . for the Govt at St. Croix, &c. [de]claring the total repeal of the 6th. & 10th. in the same Manner as with the British."

From Peter Sharpe, New York. Introduces "the bearer," C. H. Kauffman, who wishes to exhibit to Clay "some documents in relation to the Brig Pizarro, of which vessel . . . he was supercargo." Notes that "Samuel Hicks & Sons of this City" are agents of the vessel. ALS. DNA, RG59, A. and R. (MR2). Kauffman has not been further identified. The agents, shipping magnates, were from Long Island. Cf. below, Whetten and others to Clay, this date.

From John Whetten, Samuel Hicks and Sons, and C. H. Kauffman, New York. Transmit documents relative "to the Loss of the Brig Pizarro of New York . . . and the death of her Captain, Henry Kauffman," as a result of having been fired on "by about Fifty patriot Horsemen," while the vessel, with the United States flag flying, "was working out of the Bay, near Maldonado, in the Banda Oriental, of the River Plate"; request Clay to instruct J(ohn) M. Forbes to demand "restitution of the loss, from the Government of the United Provinces of Buenos Ayres." LS. DNA, RG76, Misc. Claims, Buenos Aires. Whetten signs as President of the Hope Insurance Company of New York.

On November 18, Daniel Brent, in Clay's absence, sent Forbes a copy of this letter. Copy, in DNA, RG59, Dip. Instr., vol. 11, p. 214 (M77, R6).

Check to John J. Dermott

14h Nov. 1826.

Pay to John J. Dermott or order the Sum of Fifteen hundred dollars. 1 Cashr. of the Off. of Bank U. S. Washington. 2 H. Clay

ADS. DLC-TJC (M212, R16). Dermott not further identified.

1 On a wrapper around a certified copy, dated November 14, 1826, of part of the will of James R. Dermott (not identified), probated September 22, 1803, by which his son, John J., inherited lot no. 3 in square no. 253 in Washington and the house thereon, as well as other property in that city, Clay wrote: "Papers respecting title to Lot No 3 in Washington City." AE. DLC-TJC (DNA, M212, R16).

2 Richard Smith.

To John Sergeant

John Sargeant [sic] Esquire, Envoy Extraordinary and Minister Plenipotentiary U. S. to the Congress of American Nations at Panama

The Congress of the American Nations which met at Panama during the past summer, having adjourned from that place to meet at Tacubaya, near the City of Mexico, and it being expected that the Ministers deputed by the several powers will assemble, in the approaching Month of January or February, the President wishes you to proceed forthwith to be present on the occasion. For this purpose, the United States Sloop of war, Hornet, has been ordered to the Port of Philadelphia to carry you and the Secretary of Legation, and your Suit, to the port of La vera Cruz, and it is supposed that She will be ready to sail on, or soon after, the 20th. instant. By the lamented death of Mr. Anderson, a vacancy has arisen in the Mission, which, it is expected, will be filled in due time to admit of his successor sharing with you in its duties. In the mean time, your presence at Mexico and Tacubaya will be attended with obvious advantages if you should even several weeks precede the arrival of the Representatives of the other powers.

The instructions which were prepared for Mr. Anderson and yourself and which are herewith transmitted, are those by which the President expects you, and whoever may be your associate, to govern yourselves, jointly and severally. They require but few additions. Since they were prepared, the meeting above mentioned, of some of the powers at Panama, has taken place; and it is understood that they concluded several Treaties and Conventions among themselves, relating, principally, to the prosecution of the existing war with Spain. You will signify to the Congress, when it shall be reorganised, our expectation to be put in possession of copies of those Treaties and conventions, and to be fully informed of all the transactions at Panama. This expectation is founded not only upon its own reasonableness in the general, but on the consideration that every power represented in the Congress ought to know what has been proposed or transacted in a conference, either of the whole body, or of any less portion of its members.

Mr. Poinsett is so situated as to have afforded him opportunities, which he has, no doubt, improved, of collecting information that may be highly useful in disclosing the past and future views of the several American powers. You will freely consult with him, and obtain from him such as he may happen to possess. He will be instructed to communicate with you accordingly.

You are aware that your compensation is at the rate of Nine thousand Dollars per Annum, to which is added an outfit of Nine thousand Dollars, which the President, in virtue of existing law has determined to allow you. An order for the outfit is herewith transmitted, on the Bank of the United States. Your salary will commence from the 24th. day of October last, when you were notified to hold yourself in readiness to depart on your mission.
I am respectfully, Your obedient Servant

H. Clay.

The order will be transmitted tomorrow, as it is too late for today at the Treasury.—

From Albert Gallatin

London 14th Nover. 1826

Sir

In the conference of yesterday, at which the Convention was signed, 1 it was agreed that we should meet on to morrow 15th, in order to enter on the negotiations on the other subjects. I believe that we will commence with that of the territory west of the Stony Mountains. I wrote to you, at the time, that I would not assent to the renewal of the Convention of 1818, until I knew whether the steps taken by this Government, respecting the colonial intercourse, had not produced some change in the President's opinion respecting that renewal. 2 If I receive no counter order by the time it ought to reach me, I will conclude that none is intended and act on the Subject of that Convention according to my instructions.

I received late last night Mr Canning's reply to my note of 22d Septer. concerning the colonial intercourse. 3 There is not time to transcribe it by this packet as Mr King 4 has much to do and must set off to day. It displays ingenuity & cleverness, but is altogether argumentative, containing nothing important or new, or that changes the aspect of that question. Neither in this, nor in any conversation has any symptom appeared of a disposition to change the ground assumed or to open again the intercourse in any shape.

I think the St Lawrence question equally hopeless. 5 I have not had time to write to you as I intended on that subject. My principal object was to state with precision the actual legislation of Great Britain as affecting that subject or generally that of the intercourse by inland navigation between the United States and Canada. Any proposal founded on our right to navigate the river would not even be listened to; and I do not believe that they would even admit in a temporary agreement an express reservation of the right. I believe that all that can possibly be done at present will be to suggest such alterations in their own laws as may place the trade of our citizens in that quarter on as good footing as practicable. This will leave our right entire till a better opportunity offers to bring it forward.

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1 See above, Poinsett to Clay, August 20, 1826, note.
2 Cf. above, Clay to Southard, November 7, 1826.
3 Richard C. Anderson, Jr.
4 Cf. below, Clay to Poinsett, February 28, 1827.
5 Above, May 8, 1826.
6 Cf. above, Poinsett to Clay, September 23, 1826, note; below, Salazar to Clay, November 20, 1826, note.
7 See below, Clay to Poinsett, November 15, 1826.
Mr King is the bearer of the Convention. I part with him with sincere regret both on public and personal account. Mr Lawrence is expected here to morrow night. I have the honour to be respectfully Sir Your Most obedient Servant ALBERT GALLATIN

The honble Henry Clay Secretary of State Washington

Mr Lawrence has just arrived and put in my hands your dispatch No 9 & the enclosures. Mr. King sets off one hour hence, and indeed it does not seem to require an answer.


1 See above, Gallatin to Clay, November 13, 1826.
2 Cf. above, Gallatin to Clay, September 20, 1826.
3 See above, Gallatin to Clay, September 22, 1826. 4 John A. King.
5 Cf. above, Clay to Gallatin, August 8, 1826; Clay to Porter, November 13, 1826.
6 William B. Lawrence.

DIPLOMATIC NOTES November 14, 1826

From CHARLES R. VAUGHAN, Washington. Acknowledges receipt of Clay's note of November 13, a copy of which will be transmitted to "His Majesty's Government.” LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES November 14, 1826


From BEAUFORT T. WATTS, Bogotá, no. 18. Reports the arrival of (Simón) Bolívar, who "is said to be highly displeased, at the situation in which he has found the Government”; predicts changes in the Cabinet; notes that the Government borrowed $34,000,000 over the last four years, paid only "a very small portion of the national debt . . . therewith,” and "is now unable to pay the interest of its loans.” ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received January 11, 1827.

MISCELLANEOUS LETTERS November 14, 1826

To ANDREW RITCHIE, Boston. Encloses copies of correspondence with Steen Bille (above, November 10, 11, 1826), which insures that the obstacle referred to in Ritchie's letter of October 30 no longer exists. Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 423-24 (M40, R19).

APPLICATIONS, RECOMMENDATIONS November 14, 1826

JOHN C. ANDREWS, Pittsburgh, solicits continuation of authority to publish the laws in the (Pittsburgh) Statesman. ALS. DNA, RG59, P. and D. of L. Cf. above, Andrews to Clay, November 30, 1825, note.
To Charles R. Vaughan

The Right Honourable Charles R. Vaughan, Envoy Exy. and Minister Plenipotentiary from Great Britain.

Sir, Department of State, Washington 15th. Novr. 1826.

I have the honour to inform you that, having submitted to the President of the United States the official Note which you addressed to me, under date the 23d. October last, I have now to communicate an answer in conformity to the views he entertains on the subject matter of that Note.

[Summarizes Vaughan's note.]

On the receipt of your note, it was an act of obvious justice to the American Commissioner to ascertain how far he is justly chargeable with having concurred in the application of rules to the settlement of the boundary, when their operation was favourable to the United States, and dissented from the same rules, when their operation was likely to be beneficial to Great Britain. I accordingly transmitted to him a copy of your note, and received from him a reply, extracts from which I have now the honour to transmit herewith. From these you will perceive, that the British Government has been entirely misinformed as to the conduct of the American Commissioner; that he has co-operated in the application of no rules favourable to the United States, the benefit of which he is not ready, under analogous circumstances, to extend to Great Britain; that according to those very rules, and according to all just principles applicable to the case, the isle of St. George ought to be assigned to the United States. Such an appropriation of it would obviate all the difficulties, in regard to which channel should remain
open to the use of the parties, by leaving the Eastern channel, the only one which is, in fact, navigable, free to both; and of course would supersede the necessity of considering the specific proposal which you have been instructed to make. That proposal is founded altogether on the assumption that the isle St. George (No. 2.) rightfully belongs to Great Britain, the very point which the American Commissioner contests, and contests upon grounds which appear to be very solid. But the respect which is felt for the British Government and the desire of that of the United States to cultivate the most amicable relations with it, require some further observations on the proposal which has been made.

The object of the two Governments, in confiding the fixation of the boundary between their respective territories to a board, mutually constituted, was to avoid a negotiation between themselves which might not lead to any certain and satisfactory result. With respect to the duties assigned to that Board, under the sixth article of the Treaty of Ghent, they have been performed, and that portion of the common boundary, to which it relates, has been definitively settled: The Commissioners are now in a progressive execution of the duties confided to them under the seventh Article of the same treaty, which relates to another portion of the boundary. There has been no refusal, on the part of the American Commissioner, to execute any of the provisions of that article. He is ready to concur with his colleague in deciding, if they can agree, all questions that have arisen (including that respecting the isle St. George) and, if they cannot agree, he is willing to make the report required by the treaty, preparatory to a reference of the question. In this stage of the business, the application is, that the American Government should interpose to prevent or correct what the British Government deems an erroneous decision in the contemplation of the American Commissioner. The effect of such an interposition would be to withdraw a particular question from the jurisdiction of the Board, which is now sub judice, and to place it in the very condition which the Board was instituted to obviate. What has already occurred sufficiently demonstrates what would be the pernicious consequence of such an interference. We should have, as have been probably already rendered to their respective Governments, conflicting statements from the Commissioners, themselves, and all harmony, which is so desirable to be preserved between them in regard to their future proceedings, would in the trial of this species of appeal from their inchoate decisions, be entirely destroyed.

If the American Commissioners [sic] refused or unreasonably delayed the execution of the Treaty, a case would be made out for
the interposition of the American Government, and it would then, accordingly, interfere. But no such complaint is brought forward against him.

The proposal is, that a subject which is finally and conclusively settled, shall be mixed up with one which is in a course of execution; and that the American Government shall find a compensation in what has been already adjudicated to it, and is, therefore, no longer open to controversy, for a concession to be made to the British Government in a subject which is yet a matter of controversy, to say the least of it, but which the American Commissioner believes rightfully belongs to the United States. Under these circumstances, the President conceives that it would be premature to open a negotiation, in reference to isle St. George and the Eastern channel. If the Commissioners unfortunately should be unable finally to agree on the questions which have arisen between them, respecting those points, or any others, and should prepare their reports to their respective Governments, as required by the treaty, the time would then arrive when it would be highly expedient to avoid, if practicable the necessity of any reference to a Friendly power, by an amicable settlement between the two Governments themselves, should [sic] such reports be ultimately made, the Government of the United States will be most anxious, by friendly negotiation, to endeavour, if possible, to reconcile the wishes and views of both parties.

I cannot conclude without adding, in the spirit of that frankness which has ever characterized the correspondence of the American Government with that of His Britannic Majesty, that, according to the principles which are maintained by the American Government, the right of navigating the Lakes and all water communications between them, and the St. Lawrence, from the highest navigable point to the Ocean, belongs to both nations, no matter to which of them any of the islands may be assigned, nor within the jurisdiction of which of them the navigable channel may happen to be. And, consequently, that according to those principles, no such joint declaration, as has been proposed, is necessary.

I pray you to accept assurances of my high consideration.

H. Clay.

Copy. DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 309-13 (M38, R3).
1 Above, October 27, 31, 1826.
2 Cf. above, Porter to Clay, November 4, 1826.

INSTRUCTIONS AND DISPATCHES November 15, 1826

To J[oe]l R. Poinsett, no. 16. Informs him that (John) Sergeant is to attend "the Congress of the American Nations at Tacubaya"; states that the successor
to (Richard C.) Anderson (Jr.) will be appointed in time to participate "in the duties of the Mission"; and requests Poinsett to communicate to Sergeant information on the "views of the several American powers. . . ." Copy. DNA, RG59, Dip. Instr., vol. 11, p. 213 (M77, R6).

From Heman Allen, Valparaiso, no. 42. Reports the resignation of President (Manuel) Blanco (Encalada) and the Minister of Foreign Relations (Ventura Blanco Encalada); notes that he now deals with "the eighth Minister in that Department" since his arrival, has made no progress in any of the negotiations entrusted to him, and has "neither offered or received any proposition, for the conclusion of a commercial treaty." States that "the Congress has rescinded the Estanco contract [cf. above, Allen to Clay, May 4, 1826] with the individuals, and continues the system, on the government accounts, with the existing stocks," has permitted "the return of the exiles," under certain conditions, and has "made considerable progress in the adoption of a federal constitution." Expresses belief that the Bolivian constitution, which (Simón) Bolívar wishes "adopted in all the new States of the South," may succeed in Perú and Colombo, but not in Chile. Notes a report "that Bolívar no longer wishes the meeting of the Congress of Panama," to which Chile has not yet appointed delegates. Interprets the arrival of French "Agents for Chile and Peru" as preliminary to recognition of the independence of the two Republics (cf. above, Brown to Clay, January 11, 1826; September 21, 1826, note). Refers to the anxious wish of the officers of the American naval "Squadron in these seas, for the arrival of the relief ships." Describes local observance of mourning, upon receipt of information of the deaths of (John) Adams and (Thomas) Jefferson. Adds, in a postscript on November 20, that (José Miguel) Infante and (Joaquín) Campino have been appointed "Ministers for the Assembly of the Isthmus of Panama," but "It is thought, that the former will not accept" and the government will not provide "for the expenses of the mission. . . ." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received March 17, 1827. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1114-15.

Manuel José Gandarillas y Guzmán, the new foreign minister, had prepared for a career in law, joined the revolutionary movement at its inception, fled into exile in 1814, returned to Chile in 1823, and served as Minister of Finance and, more recently, as Minister of the Interior.

Infante, a lawyer, had been prominent in the revolutionary movement in Chile, had been a member of the ruling junta in 1813 and 1823, and had served his government in other important posts. In 1827 he established a newspaper, which he edited until his death in 1844.

From J[oel] R. Poinsett, Mexico, no. 61. Reports some unrest in Mexico, following the recent election, but states his belief that there will be "no violent rupture." Sends "official documents," published in Mexico, on the revolutionary movement in Guatemala. Notes that an anti-Bolívar conspiracy in Lima resulted in arrests but that, "As soon as the news was received that the Constitution of Bolivia was adopted in that Republic, and Bolívar elected President for life, the Limenians imposed the same dignity upon him." Forwards a copy of the Bolivian Constitution. States that Bolívar plans "to unite Bolivia, Lima, and Colombo" under himself as "President for life." Reports that the treaty with the United States (cf. above, Poinsett to Clay, July 12, 1826) has at last been submitted to the House. LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). Received December 25. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1658.
MISCELLANEOUS LETTERS

TO WILLIAM B. ROCHESTER, Albany, New York. States, by authority of the President, in reply to Rochester's "letter of the 7th. instant," that, in consideration of his readiness to depart on the mission to which he has been appointed and of his having "been twice on the Sea Board" for that purpose, his salary began with his resignation, "in consequence of that appointment," from the office he held in New York. Copy. DNA, RG59, Dip. Instr., vol. 11, p. 213 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R8). Cf. above, Clay to Rochester, November 30, 1825. Rochester's appointment had been made December 26, 1825, and confirmed March 14, 1826. On his resignation from the judgeship, see below, November 18, 1826 (no. 2), note. On his readiness to "depart on the mission" during the spring of 1826, see above, Rochester to Clay, May 9, 1826, note; May 23, 1826.

FROM JOSEPH DELAFIELD, New York. Reports adjournment, on November 10, of the Board of Commissioners under Article VII of the Treaty of Ghent until March 1, 1827, "unless called together . . . earlier . . ." Encloses a copy of the journal of the meeting. Notes that accounts of both the American and British Commissions to January, 1826, have been presented; that "accounts for the current year will be presented at the next meeting which being a final one will show the balance due to either Government"; that at present a balance of about $2,500 is due to the British Commissioner; that "the Board adjourned without causing any balance to be struck, leaving such arrangements . . . for the final meeting." ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI & VII, env. 1, folder 2. Cf. above, Clay to Porter, November 4, 1826; Porter to Clay, November 8, 1826.

FROM BEAUFORT T. WATTS, Bogotá. Requests Clay, "from the great expences [sic] of the Legation, to consider the necessity of an Outfit." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Cf. above, Anderson to Clay, June 7, 1826. On March 3, 1827, President Adams nominated Watts "to be Chargé d'Affaires to . . . Colombia, during the vacancy of the mission of a Minister." U. S. Sen., Executive Journal, III, 573. The appointment was approved the same day.

To Joseph Nourse

Joseph Nourse Esqr. Register of the Treasury,
Sir,

I have the honor to transmit herewith an estimate of the expenses of this Department for the year 1827.

I am with great respect, Sir, Yr Obedt & very hble Servt,

H. Clay

Copy. DNA, RG59, Dom. Letters, vol. 21, pp. 446-47 (M40, R19). Entries in the enclosure are the same as those on the estimate for 1826 (above. Clay to Nourse, November 11, 1825), with the following exceptions: the expenditure for printing the laws relates to the acts passed by the Second Session of the Nineteenth Congress; there is no mention of T. B. Wait; salaries are provided for Ministers; in addition to the four in Europe, in Mexico, Colombia, and Chile; the total sum for salaries of all seven Ministers is $63,000; salaries of Chargés d'Affaires to Stockholm, the Netherlands, Lisbon, Guatemala, Brazil, Buenos Aires, and Peru total $31,500; provisions are made for "Outfits
of a Minister to Colombia and a Chargé d'Affaires to Guatemala 13,500," for the
outfit of a Minister "to the Congress of the American Nations," $9,000, and for
"Salary and Outfit of a Chargé d'Affaires to Denmark 9,000"; the entry, in the earlier
document, for "Salaries of Ministers or Chargé d'Affaires, who have been or may be
appointed . . ." is not repeated; "Contingent expenses of all the Missions abroad"
are $20,000; "Expenses of carrying into effect the 6th. & 7th. Articles of the Treaty
of Ghent . . ." are $10,000; "Expenses of Intercourse with the Barbary powers" are
$20,000; "Contingent Expenses of foreign Intercourse" are $30,000; "Relief and pro-
tection of distressed American Seamen in foreign Countries" are $25,000; and the
total estimated expenditure is $313,100.

The vacancies in the Ministries in Colombia and at the "Congress of the American
Nations" had been occasioned by the death of Richard Anderson, Jr.; on the vacancy
at Guatemala, see above, Williams to Clay, August 4, 1826. On the Minister to Chile,
see above, Clay to Allen, November 1, 1826, and on the Chargé to Peru, see above,
Clay to Cooley, June 6, 1826. Henry Wheaton was named Chargé to Denmark on
March 3, 1827, and remained in the position until 1835.

INSTRUCTIONS AND DISPATCHES

From Albert Gallatin, London, no. 26. Notes that the negotiations leading
to the convention signed November 13 (above, Gallatin to Clay, November 13,
1826) "had been conducted in presence [sic] of Mr. [George] Canning and
rather with him than with the British plenipotentiaries" (Henry U. Addington;
William Huskisson). Reports that, in a conference "with these alone," held
November 15, agreement was reached "to take up . . . the subject of the
territorial claims west of the Stony mountains" and that the British asked for a
reply to their proposal, referred to Washington in 1824, or for "any new One"
that Gallatin "might be authorized to offer." States that he replied, rejecting
the British proposal and "insisting on the 49th, parallel of latitude" while at
the same time offering an article (enclosed) designed "to remove the most
important objection of Great Britain to the line." Notes that he had little
to add to earlier arguments "in support of the right of the United States to
the territory in question," although "Mr. [Francis] Baylies' report supplied . . .
additional arguments, in opposition to the pretended discoveries of Ad
[Francis] Drake north of 40° or 42° of N. Latitude." Presents in some detail
the bases of British "pretensions": the United States can establish no title
"along the Sea Coast, north of the mouth of the Columbia" and, further, "mere
discovery without occupancy constitutes no title"; the United States has no
"right to the sovereignty of any part of the Country," nor is any claimed for
Great Britain, although Gallatin thinks the British "intend ultimately to claim
such right . . . with respect to the settlements of their subjects made prior to
the Convention of 1818"; the "doctrine, which Excludes titles derived from
prior discovery and substitutes occupancy, rests on the Nootka Convention,
of the 28th. October 1790, between Spain and Great Britain"; quotes the third
article of that convention, from which the British infer that (1) "The United
States cannot claim, under their treaty with Spain, any greater right than
Spain then had" and, because no Spanish discoveries are referred to in that
convention, "cannot resort to any Spanish discovery" in support of its claim,
(2) the United States cannot claim, as owner of Louisiana, any territory on the
Pacific because none was claimed, in the Nootka Convention, by Spain "on
account of any presumed boundaries of that Province," (3) the Nootka Con-
vention, "having become an international law, at least for the Pacific, . . . set
aside the exclusive pretensions of Spain to the North West part of the American
Continent," and (4) "Actual occupancy and regard to mutual convenience are
therefore the only bases of any arrangement for the establishment of a boundary,
for the partition, between the only powers having settlements or laying claims thereto, of a country which was heretofore held in common.”

Explains that Huskisson gave as one reason “for taking up that subject first, . . . that it had for several sessions occupied the attention of Congress, and that it was impossible to foresee the effect which the measures they might adopt would have on the question and on the friendly relations of the two Countries”; and that he later “said that the joint occupancy would cease in 1828 unless renewed, and that the removal by the United States, of any settlement made by British subjects, would be considered as an act of aggression.” Reports that, “This having already been intimated in the course of the negotiation of 1824,” he inquired whether removal of British subjects from Astoria and other settlements restored to the United States by the Treaty of Ghent would be so considered and received the reply “that those were considered as in” the possession of the United States and that the British had moved across the river to “a fort called ‘Vancouver.’”

States that “renewal of the Convention of 1818 was mentioned as the other subject which required immediate consideration” but that he, having asked for new instructions on this matter from his government, voiced a preference for taking up the western boundary first. Adds that, in view of the difficulty in agreeing on a joint statement concerning the Northeast boundary, each party is to state its case separately. LS. DNA, RG55, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 11, 1827. Published in American State Papers, Foreign Relations, VI, 650-52.

The enclosure, “Article A.,” provides that the boundary “west of the Stony Mountains” shall follow the 49° parallel to the Pacific; that, if this line intersects a branch of the Columbia River navigable to the river itself, the navigation of that branch and the river to ocean shall be free to both the British and the Americans; that settlements “already formed by the citizens or subjects of either party within the limits of the other, shall continue . . . until the expiration of the term of ten years from the date hereof and no longer”; and, after ten years, the nationals of each party, engaged in trade and hunting, shall be restricted to their own side of the boundary.

For Baylies’ report, see above, Gallatin to Clay, November 5, 1826, note. On the Nootka Convention, see above Gallatin to Clay, June 19, 1826, note.

APPLICATIONS, RECOMMENDATIONS November 16, 1826

PHILIP HONE, New York, recommends, for appointment as surveyor of the port of New York, David S. Lyon, who was employed in the customhouse eight years and for the last eighteen has been deputy naval officer. ALS. DNA, RG59, A. and R. (MR3). Whether Lyon, a native of New Jersey, received the recommended appointment is not known; he was deputy collector at New York in 1835.

DIPLOMATIC NOTES November 17, 1826

From the BARON DE MAREUIL. Refers to his note to Clay of April (28); states that, since sending it, he has verified certain calculations that had been made in haste; and requests that an unofficial note, now being sent, be substituted for it. N. DNA, RG59, Notes from French Legation, vol. 10 (M53, R-T9). Besides the revised calculations, the enclosure also conveys a threat that action
November 17, 1826

detrimental to the importation of French wines may lead to retaliatory revision of the French tariff on American cotton. N, in *ibid*.

**INSTRUCTIONS AND DISPATCHES**

From Albert Gallatin. London, no. 27. Acknowledges receipt of Clay's letter of October 21; notes that the convention had been signed before the letter arrived but expresses gratification that the President concurred in his "view . . . of the subject." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 11 (1827). Published in *American State Papers, Foreign Relations*, VI, 354.

**MISCELLANEOUS LETTERS**

To Nicholas Biddle, Philadelphia. Introduces "Majr. Leslie Combs of Lexington (K)." ALS. DLC-Nicholas Biddle Papers (DNA, M212, R20).

To [Samuel L.] Southard. Returns a letter "with . . . regrets that the appointment at Barracoa [sic] was anticipated"; suggests that "Perhaps some other may occur shortly." AN. NjP-Samuel L. Southard Papers. Cf. above, Clay to Stearns, November 9, 1826.

To [Samuel L.] Southard. Returns a letter written by Captain (James) Biddle (to Southard, September 1, 1826), "with thanks for the opportunity of perusing" it. AN. NjP-Samuel L. Southard Papers. Cf. below, Southard to Clay, this date.

To [Samuel L.] Southard. Returns a letter; states that "A previous note [not found] of Mr. Cs. informed Mr. S. that the appointment desired by Dr. Perrine had been filled. . . ." AN. NjP-Samuel L. Southard Papers. Endorsed on cover: "Wrote Dr. [George] Holcombe 20 Novr. suggesting Campeachy or Merida for Dr. Perrine." Henry Perrine, born in Cranbury, New Jersey, had studied medicine; had opened practice in Illinois, in 1819; and in 1823 had moved to Natchez. He was consul at Campeche from 1827 to 1830 and remained at that port until 1837. He is noteworthy for botanical collections, deposited in the New York Botanical Garden (not the current one), and for the introduction of tropical plants into the United States.

From John Sergeant, Philadelphia. Reports that he is prepared to depart when the *Hornet* is ready and that he has not heard from (William B.) Rochester. ALS. DNA, RG43, First Panama Congress (M662, R1). The *Hornet* sailed from New Castle, Delaware, with Sergeant and Rochester on board, on December 1.

From Samuel L. Southard. Transmits a communication received from (James) Biddle; requests its return after perusal. AN. DNA, RG59, Misc. Letters (M179, R64). The enclosure, dated September 1, reported Brazilian seizure of the *Ruth* and the removal and mistreatment of part of her crew (see above, Raguet to Clay, September 1, 1826).

From D[avid] Winchester, Baltimore. Sends "a Schedule of . . . Claims on . . . France & Holland amounting together to the sum of $328,670.84," resulting from spoliations, "Chiefly Committed prior to those contained in the" schedule
transmitted September 21, 1826. ALS. DNA, RG76, French Spoliations, 1791-1829. Cf. above, Winchester to Clay, October 25, 1826.

APPLICATIONS, RECOMMENDATIONS November 17, 1826

JOHN DOUGLASS, Indianapolis, solicits authorization to continue publication of the laws in the (Indianapolis) Indiana Journal and announces that he is now "sole proprietor" of the paper. ALS. DNA, RG59, P. and D. of L. See above, Douglass and Maguire to Clay, April 14, 1825, note.

From W[illiam] B. Rochester


My Dr. Sir (private) Saturday

I have just sent to the P. office a hasty reply to your official letter to me of the 15h. inst. acknowledging its receipt and announcing my intention to repair to Philadelphia on monday or tuesday next at farthest there to await further orders from your Department— As there may possibly be time to send this also by this days mail, I sit down to say in reply to your private note dated also on the 15h. inst. that it is duly recd.— I will write you fully to night or tomorrow morn.—at present I want sleep very much and I have not time to say much by this day's mail—

I am much mortified that I should have (as I did in a letter to you from Rochester) intimated a belief that Our state election had terminated in my favour—the mistake originated with intelligent friends who are more mortified than I am— My opinion is that Mr. Clinton's maj. is about 1800—it may be 2000. but I think not the State road project thro' the southern tier of Counties saved him—had it not been for that the defection and bad faith betrayed in this City would not have effected what was intended—i.e, my defeat—Whilst I take occasion to re-iterate to you expressions of my most cordial & unalterable goodwill & attachment, I cannot disguise from you that my situation in the intended Mission does not hold out to me many inducements for persisting in it—glad should I have been, could any mode have been devised to spare me the reproaches of common friends in the State, and my withdrawal not to have acted injuriously upon distinguished friends connected with the general administration—

Do not believe I wish to succeed Mr. Anderson— My ambition does not vault so high— the many considerations which are calculated to produce this revolution of opinion in me are so obvious that it is needless to dilate upon them—

this you will of course receive as strictly confidential—perhaps I misjudge about the matter— You I am sure would not place me
in an unpleasant dilemma if it could be avoided—but I appreciate your situation as well as the President's— the thing is one for which I must answer to myself— but recent events have inflated me with more than ordinary State pride—

As it is I go; my motives will be appreciated— My regard for & inclination to sustain a wise and much abused Administration prompt me—

I do not advert to the slanders and falsehoods, which Noah has given currency to— if I thought they were for a moment credited at Washington I would instantly retire to the shades of private life—

I was nominated at Herkimer without pledges being asked— I should have indignantly repudiated any demand for pledges either before or after the nomination

I trust I have come out of the Contest as purely as I entered into it— indeed I have been a passive agent in it throughout— I feel flattered by the result— to Mr. Clinton it is a defeat—irretrievable— perhaps I am too much elevated—but be that as it may I take pleasure in renewing to you unreservedly assurances of my unaltered friendship & high Esteem

W B Rochester

ALS. DLC-HC (DNA, M212, R2). Addressed on verso: "Confidential Hon Henry Clay Washington."  
1 Below, this date.  
2 Cf. above, Sergeant to Clay, November 17, 1826, note. 
3 Not found.  
4 No letter found.  
5 Not found.  
6 In the Governor's race DeWitt Clinton received 99,781 votes and Rochester, 96,078.  
Niles' Weekly Register, XXXI (December 16, 1826), 342. 
7 See above, Rochester to Clay, August 30, 1826.  
8 Richard C. Anderson, Jr.  
9 See above, Stuart to Clay, November 9, 1826.  
10 Cf. above, Rochester to Clay, May 9, 1826; Porter to Clay, October 8, 1826.

DIPLOMATIC NOTES

From Charles R. Vaughan, Washington. Acknowledges receipt of Clay's note of November 15, a copy of which will be transmitted to "His Majesty's Government." LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES

From George Moore, Trieste. Encloses an "extract from a letter . . . received from Constantinople relating to the Treaty between Russia and the Porte." LS. DNA, RG59, Cons. Disp., Trieste (M-T242, R-T1). Received February 13 (1827). The enclosure, written from Constantinople, October 25, 1826, states that the treaty, "signed at Akermann" on October 7, "to be ratified in a month from that time," is "highly favourable" to Russia and includes "the free navigation of the Black Sea to all European Flags, and the transhipment of Corn in our Port, free from the forms that at present encumber that operation." The enclosure also refers to the suppression of a plot against the (Turkish) Government. On the navigation of the Black Sea, see below, Everett to Clay, December 25, 1826.
From Condy Raguet, Rio de Janeiro, no. 18. Reports a delay in the sailing of the Brandywine and Vincennes, under the command of Commodore (Jacob) Jones, who had entered the harbor at Rio "to procure a supply of water"; cites the "total indifference" and "disregard of courtesy" displayed by the local official "at whose disposal are placed the means of watering ships"; notes that the last two days' delay resulted from a request to him by the Minister of Foreign Affairs (the Viscount of Inhambupe) after an embargo was laid, upon receipt of news "that the Buenos Ayrean Commander [William] Brown" had appeared with a small squadron only "a few hours sail from this harbour." Encloses copies of correspondence "between this Government and Commodore Jones respectively, and" Raguet. ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received January 14, 1827. Jones, of Delaware, had studied medicine and had practiced for a short time before entering the United States Navy, as a midshipman, in 1799. He had served in the Tripolitan War, had been a commander in the War of 1812, had commanded the Mediterranean Squadron of the United States Navy, 1821-1823, and had been a Navy Commissioner, 1824-1826. He was commander of the Pacific Squadron, 1826-1829, after which he was placed in charge of the Naval stations at Baltimore, 1829-1830, and New York, 1842-1845. He was at the head of the Philadelphia Naval Asylum when he died, in 1850.

MISCELLANEOUS LETTERS

November 18, 1826

From George Jarvis, "Peloponnesus, Nauplia." Discusses Greek affairs; declares that Greece can be helped either "1. by acknowledging and adhering to her Nationality or 2. by overthrowing it to model her entirely to the European System"; adds: "Europe herself a jest—Greece is hers, or rather the Sport of her diplomatical intrigues whilst the Greeks among themselves are at the mercy of a set of aspiring chiefs and parties and disunited Oligarchs." Criticizes much of the effort to aid the Greeks; states that Lord (Thomas) Cochrane, expected soon, will "have a more difficult work here, than any where he has found"; and notes that some Patriots favor a temporary dictator. ALS. DNA, RG59, Misc. Letters (M179, R65). Dated "6/18th Novbr: 1826." A "Duplicate," not the same as this version in all respects, is found in DLC-HC (DNA, M212, R2). On Jarvis, see below, the second letter from him on this date.

From George Jarvis, Nauplia. States that, on the way to Greece, he "received at Marseilles a passport from the American Consulate (Mr. Thoms. Oxnard)"; adds that "it may not be fully known, that" he was born in Denmark, "his father being a native citizen of New York," and that he has "no letter of Citizenship from the U. S." Requests Clay to intercede with the President to obtain for him, if possible, a certificate "of American Naturalisation." ALS. DNA, RG59, Misc. Letters (M179, R65). Dated "Novbr 1826." Enclosures include a copy of a certificate signed by John Cuthbert, Hamburg, September 1, 1821, stating that "Benjn." and George Jarvis had appeared before him, that Benjamin, a native of New York, declared George to be his son, "and that the said George Jarvis has not any time taken the Oath of Allegiance to the King of Denmark."

Benjamin Jarvis, an American merchant, had settled in Denmark late in the eighteenth century. George, his son, had gone in 1822 to Greece, where he had served in the navy before becoming an officer in the Army. He died in 1828.

From William B. Rochester, New York. Reports his arrival, after having left home on November 13; acknowledges receipt of Clay's letter of November 15;
states his intention of proceeding to Philadelphia to await further instructions; notes his resignation as circuit judge on January 2 and his understanding that his salary as Secretary of Legation began on January 3; requests "a new authority to draw accordingly." ALS. DNA, RG43, First Panama Congress (M622, R1). Dated, erroneously: "18. Oct. 1826."

From John Sergeant, Philadelphia, "(Private)." Encloses a letter, just received from (William B.) Rochester. Praises (William B.) Reed, mentioned in Rochester's letter, as "a young man of fine talents and uncommon attainments, well acquainted with the French and Spanish languages," but adds that Clay should be informed "that he is very young, and . . . is Mrs. Sergeants nephew." Asks, in a postscript, for the return of Rochester's letter. ALS. Ibid. Sergeant's wife was the former Margaretta Watmough, of Philadelphia.

MISCELLANEOUS LETTERS November 19, 1826

From James H. Bennett, Alexandria (Virginia). Returns his commission as consul at Pernambuco, Brazil; declares that he has "no remorse of conscience" in regard to "the affray which led to this surrender"; questions his wisdom in sparing the life of his adversary; requests a copy of the documents filed by (John B.) Kirkpatrick against him; and encloses a note which Kirkpatrick has refused to answer. ALS. DNA, RG59, Cons. Disp., Pernambuco, vol. 1 (M-T344, R1). In the enclosure Bennett demands of Kirkpatrick, for designating him a coward, an apology or a meeting "with pistols and Seconds." See above, Bennett to Secretary of State, May [31], 1825.

From Joseph Seaward, Portsmouth, Virginia. Refers to his letter of October 19, 1825, and asks "some further information on the Subject." ALS. DNA, RG76, Misc. Claims, Colombia.

APPLICATIONS, RECOMMENDATIONS November 19, 1826

William Carroll, Nashville, recommends "Theodorick [F.] Bradford, . . . a member of the Senate of this State for many years," for appointment as "Marshall [sic] of West Tennessee"; predicts that "He will receive no aid from" the Tennesseee "deligation [sic] in congress in consequence of his long and settled hostility to General Jackson, and of his adherence to the present Administration"; gives assurance that the "appointment would be very gratifying to" Clay's "friends in Tennessee." LS. DNA, RG59, A. and R. (MR1). Ms. torn. Designated, on wrapper, as "Private."

DIPLOMATIC NOTES November 20, 1826

From Jose Maria Salazar, Washington. Cites an order from his government to inform that of the United States that "la gran asamblea [sic] americana" was opened on June 22 by representatives of Peru, Mexico, (the Federation of) Central America, and Colombia, who signed, on July 15, five documents, "un tratado de union lige y confederation perpetua," to which other American powers might adhere within one year, a provision for renewal of the assembly annually "en tiempo de guerra comun" and biennially in peacetime; a convention fixing the size of the force which each member should contribute to the common defense; an agreement concerning the employment and direction
of these forces; and various declarations which encompassed the treaties which Colombia had formerly concluded with the United Mexican States, Central America, and Peru. Notes the adjournment of the Congress, to meet again at Tacubaya, where representatives of the United States are expected. LS, in Span. with trans. in State Dept. file. DNA, RG59, Notes from Colombian Legation, vol. 1, part 2 (M51, R2). Trans. published in American State Papers, Foreign Relations, VI, 363-64.

INSTRUCTIONS AND DISPATCHES November 20, 1826

From ALEXANDER H. Everett, Madrid, no. 56. Encloses “a copy . . . of a letter which was lately addressed by the Comte de Villa [sic] Real to the French Ambassador [the Marquis de Moustier] and the Austrian Minister [Count Brunetti]”; cites “information . . . received here that the French Minister of Foreign Affairs [Baron de Damas] has addressed a note to the Duke de Villa Hermosa Spanish Ambassador at Paris stating . . . that the legality of the new order of things in Portugal was acknowledged by” the French King (Charles X) and advising the Spanish King (Ferdinand VII) “to adopt the same course.” Notes that the French Ambassador is preparing to leave Madrid and that he probably will not return. Reports the departure of the Count de Vila Real, who has been “named Minister at Paris” but who may “be employed at home.” Adds, in a postscript, that the translation of the enclosure, not completed, will be sent later. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received January 29, 1827.

From ALBERT GALLATIN, London, no. 28. Encloses a copy of (George) Canning’s note of November 13 (cf. above, Gallatin to Clay, November 14, 1826); clarifies his own position: “I had not denied the right of Great Britain to regulate . . . the intercourse between her Colonies and the rest of the World. I had only insisted that that right did not extend to a power of controlling the laws of the United States on the same subject. . . .” Repeats his opinion “that, whenever an arrangement may take place, . . . it should be by an understanding only, founded on the respective laws of the two countries” (cf. above, Gallatin to Clay, November 5, 1826). ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 11, 1827.

From Robert Scott

Dr Sir, Lexington 21st. Novr. 1826

Your two favors of the 26th. Ulto.¹ came to hand in due course—

Mr. Tilford has paid me the 50$ the balance on his Note² which I have given up to him—

Neither Pike nor Warner have paid anything on their protested bill³— I have not yet had suit brought on it, because P. has promised and beleive [sic] will pay at least a part of it soon—
Should he not do so, or should any of it remain unpaid I will take
care to have suit brought in time for the March Court—
I have paid Mrs. Morrison her half years anny. and J M. Pindells
interest, which was from 5 to 600$ more than I have funds of
the estate on hand— I did not dispose of any Coms. Notes, because they
have become something worse and suppose they will ere long
be more valuable—
You have had the misfortune to lost your Marino [sic] Buck—
I do not know how it has happened— Mr. Kerr says he was found
in the pasture half eaten up— I presume he was not killed by dogs,
or more of the sheep would have been destroyed with him—
Pork is this year a very dull article and we have not yet disposed
of any of yours— Mr. Kerr informed me he had up about 80 Hogs—
If we can get 2$ per 100 lb it will be as much—
Mrs. Smith set out on Saturday for Washington—via Maysville—
thence by S. Boat to Wheeling— Mrs. Morrison & Miss Edmiston
had intended accompanying her but declined it—fearing they could
not procure a hack at Wheeling. A few days since, Mr. Pindell
left here for N Orleans—
We are all well— very respectfully Yr. Hble Servt
The Honble Henry Clay

ROBT. SCOTT

ALS. KYLXT. Endorsed by Clay: "Answd. 5 Dec. 1826." Answer not found.
1 Not found.
2 See above, III, 519, 549, 550n. 785-86.
3 Possibly James M. Pike and Elijah Warner. The bill has not been found. Cf.
below, Scott to Clay, December 25, 1826 (1).
4 Esther Montgomery (Mrs. James) Morrison.
5 On Mrs. Morrison's annuity, see above, Promissory Note, July 5, 1825, note.
Under the terms of James Morrison's will, James Morrison Pindell, born in 1815,
had been given $3,000, "with the Interest due thereon," which was "part of the debt"
his father, Thomas Hart Pindell, owed Morrison. During the boy's minority, that
portion of the debt collected was to be invested for his education." When he came
of age, he was to receive the principal and $3,000 worth of land. Fayette County, Will
Book F, 65-64.
6 Bank of the Commonwealth.
7 See above, Account, August 12, 1826.
8 John H. Kerr.
9 Cf. below, Clay to Brown, December 14, 1826. Nanette Price had married Thomas
Smith on March 25, 1819.
10 Sidney S. Edmiston.
11 Thomas Hart Pindell.

INSTRUCTIONS AND DISPATCHES November 21, 1826

From D[AVID] ERSKINE, Stockholm. Notes "the general distressed state of Com-
merce" and the arrival of [John J.] Appleton. Reports that, notwithstanding
the expiration of the treaty (cf. above, Stackelberg to Clay, September 26, 1826),
trade continues under "the priviledges [sic] therein stipulated." Calls attention
to "Certain advantages," which he will point out to Appleton, enjoyed by
Swedish and British "vessels coming under distress on these coasts, . . . which
vessels of The U: States do not enjoy. . . ." ALS. DNA, RG39, Cons. Disp.,
Stockholm, vol. 1 (M-T230, R-TI). Received February 17, 1827.

From W[ILLIAM] TUDOR, Lima, no. 50, "Confidential." Expresses a hope that
his successor has been appointed (cf. above, Tudor to Clay, August 24, 1826).
Refers to his “letter No 48” (above, August 30, 1826); apologizes “for having interfered in that case, where the total silence of the Department” toward him “was too expressive” to cause him to wish “to meddle”; and explains his reasons for acting. Notes that “Come [Commodore Isaac] Hull by his well meant interference in the case of the ship General Brown [see above, Tudor to Clay, June 8, 1825], where all that was possible had been done” by both Tudor and his vice consul (Stanhope) Prevost, “drew upon himself an insulting report from the Supreme Court of Justice.” Encloses correspondence with the Minister of Foreign Affairs (José María de Pando) relative to the seizure of goods owned by American merchants and to a decree permitting importation “of Spanish merchandize, on the condition of importing a specified amount of quicksilver”; refers to “the new commercial regulations,” a copy of which he sent with his dispatch of June 11, 1826, and reports “writing to the Minister and talking to [Andrés] Santa Cruz in an attempt to procure some modification, to prevent very great inconvenience to” American trade. Notes, approvingly, decrees aimed at “the suppression of ecclesiastical abuses.” Reports “the acceptance of Gen. [Simón] Bolivar’s constitution, . . . effected in all the provinces under the immediate inspection of a military officer.” Adds that “this farce seems to have been performed every where with the same forms & the same indifference. . . .” Predicts that, “if he [Bolivar] succeeds in bringing Colombia to the same result, ‘the Consulate for life’ will then be fully established, & the ‘Empire’ will follow of course, & measures prosecuted to extend its advantages to Chile & Buenos Ayres . . .” States that, in spite of financial difficulties, “the country is recovering from the state of ruin that was caused by the profligate . . . manner in which the war was waged.” Reports that he has discussed with President Santa Cruz, who wishes to educate three nephews abroad, the possibility of obtaining admission for them to the “National academy at West Point.” Notes that “The French agent [Jean Baptiste Chaumette des Fossés] is daily expected” and that “The English Consul [C. M. Ricketts, not further identified] is engaged in making a commercial treaty which proceeds slowly.”

**MISCELLANEOUS LETTERS**

From Franklin Greene and others, Providence, Rhode Island. Cite information received from Lima, Peru, concerning “A reglamento of Commerce,” issued June 6, “imposing additional duties on Articles many of which are the chief articles of export from the U. N. [sic] States”; list the rates and the articles affected; request measures “to effect a repeal or modification of those duties,” which appear to discriminate in favor of “British trade with Peru.” LS, signed by Greene and twenty-five other “Merchants & Manufacturers.” DNA, RG59, Misc. Letters (M179, R64). Cf. above, Tudor to Clay, this date. Greene has not been further identified.

From Henry Hatch, Boston. Reports, as “merchant, administrator de bonis non of Crowell Hatch late of . . . Boston merchant,” a claim on France for the capture of the Maria, “in the year 5 of the French Republic.” LS, partly in Hatch’s hand. DNA, RG76, Misc. Claims, France. The claim for the Maria, captured in 1797 near Barbados by a French privateer, appears never to have been recognized.
APPLICATIONS, RECOMMENDATIONS

November 21, 1826

F[REDERICK] SLINKARD, Slinkard's Mills (Indiana), recommends the Indianapolis Gazette to publish the laws. Notes the paper's "pretty good circulation" in this county, Greene, and in Owen County. ALS. DNA, RG59, P. and D. of L. Slinkard, long-time postmaster at Slinkard's Mills, Greene County, Indiana, was also, from 1821 to 1827, a justice of the peace. On the recommended appointment, cf. above, Ray to Clay, November 10, 1825, note.

[GEORGE] SMITH and [NATHANIEL] BOLTON, Indianapolis, solicit appointment of their paper, the Indianapolis Gazette, to publish the laws. ALS. DNA, RG59, P, and D. of L.

From H[enry] Shaw

Dear Sir

Nov 22 1826 Lanesborough Mass.—

Yours of the 14 duly rcd.1 And while I thank you for your obliging attention to a very deserving and ingenious young Man,2 I beg you to account for his proffer of a fee from the natural simplicity of a New Englandman—he will not abuse the recommendation [sic] your name must always betow [sic].

You say nothing about the office of Judge3— I conclude of course that it is to be otherwise betowed [sic]— so let it be, if your Interests and the Publick good demand it— the appointment would have been gratifying to me only, under the persuasion that good,— the Publick Good, as I understand, that most technical expression, would have been promoted— had it been given in Season, S—4 would have been the Candidate, and I believe would have succeeded— but even that result might not have yielded more benificial [sic] consequences than the one which has happened— I told you the Election would be a Farce— I fear it will yet prove one. If C.5 had been defeated, Mat.6 gets the credit of it, and would stand in relation to the Admn. at the head— as it is, which by the way is a total defeat, of the Can.7 party, Mat will be ReElected— now if that proves to be the fact, as it respects the Adn. at Washn. the result is the same— and I am not sure under any circumstances he would not succeed— for I believe that there has been a good understanding [sic] between C. and him through the whole contest— I have reasons for thinking so— more than has met the publik [sic] Eye— If this can be established, and measures will be taken to prove it, he may yet fail— the Chief Justice8 may be a Candidate against him— he has been felt on the subject— but more of this here after.

"Dwight9 declined for the best of reasons"— so he did—for did [sic] not believe he could succeed— the District has become factious—he is a Good fellow, but he has rode long enough, his friends
thought— I took no part in the Election, being satisfied, that any one that should be chosen, would be friendly— I had a Candidate on whom you could have more safely relied, and who possessed more strength than D— but after I saw there would be confusion in the Election he was withdrawn— that was Briggs¹⁰— if D. should be presented again he would probably succeed¹¹— there is no harm done— this District will not send a Member opposed to Adm. while you are a member of the Cabinet.

Mr. Newton & Lady¹² will visit Washington this Winter— will probably reach there about the middle of Decr— of this Gentleman I wish to speak to you— he married his wife in this Country— And has been for many years past in India— he has returned from there with a splendid fortune, and for present [sic] makes our Country his residence— I am anxious he should make upon you a favorable impression, which I doubt not will be fully reciprocated— he has no Children [sic],— his wife is Ambitious— and he will yet be drawn into political life— “she is the best horse”— pardon oh ye Ladies, so prophane [sic] an allusion— he has a tolerable understanding considerable information— great zeal in his friendships— a warm heart, and a good one— he does not love the P,—¹³ but hopes to, one of the Cabinet— he supports the Admn.— finally he is exactly the Man I want to see become your warm friend— I should say also, that he is pious. pardon me for saying this, and do not think that I suppose you could even inadvertently offend pious ears— you will find him every way a Gentleman—& his Lady a Gentlewoman— I shall take the liberty of giving him a Letter to you,¹⁴ which he has asked— Now please to make him your friend— & a little extra Courtesy & kindness will accomplish it— excuse this awkward Avaunt Courrier, of my friend Newton— I join you in the wish you have expressed 1000 times in reading my Letters, that Shaw ever knew how to end one— but you have tapped my affections, & they will continue to flow out, and if the consequins [sic] are sometimes troublesome, you may charge it all to yourself—

We shall make an attempt to modify the Tariff this Session, so as to secure some protection to the Wollen [sic] Manufacture— can we succeed— we look to you & the Treasury for help— if practicable may I hear from you brify [sic] on the subject— your friends in N. England are the Manufactures [sic]— take care of them— for that Interest will control N E. before long— they are your Children— & they consider you as their Father—

I have been invited by the Manufacturers to visit W. this winter, but that seems to me impossible— with the truest devotion I am your friend                        H: Shaw
Hon H. Clay—
November 23, 1826

ALS. DLC-HC (DNA, M212, R2). Endorsed by Clay: "... Answd. 3 Dec 1826." Answer not found.

1 Cf. above, Shaw to Clay, September 10, 1826.
2 Cf. above, Porter to Clay, October 8, 1826, note.
3 John Savage.
4 Martin Van Buren.
5 DeWitt Clinton.
6 Clintonian.
7 George N. Briggs, Lanesboro lawyer, who had held several local offices. He served in Congress, 1831-1843; as Governor of Massachusetts, 1844-1851; and as judge of the court of common pleas, 1853-1858. In 1842 he moved to Pittsfield, where he died in 1861.
8 Savage.
9 Henry W. Dwight.
10 R. (MR1). Gamble, a lawyer, had been born in Virginia and in 1818 had moved to Missouri, where he had held office as a judge and as secretary of state. He was later elected to one term in the State legislature and, in 1850, to the State supreme court, over which he presided until 1854. An opponent of secession, he was Provisional Governor of Missouri from 1861 until his death in 1864. He did not receive the appointment as district attorney.
11 Cf. above, Webster to Clay, November 6, 1826, note.
12 Neither identified.
13 President.
14 Not found.

APPLICATIONS, RECOMMENDATIONS November 22, 1826

Mathias McGirk recommends Hamilton R. Gamble, of St. Louis, to fill the vacancy as (Federal) district attorney caused by the resignation of (Edward) Bates. ALS. DNA, RG59, A. and R. (MR1). Gamble, a lawyer, had been born in Virginia and in 1818 had moved to Missouri, where he had held office as a judge and as secretary of state. He was later elected to one term in the State legislature and, in 1850, to the State supreme court, over which he presided until 1854. An opponent of secession, he was Provisional Governor of Missouri from 1861 until his death in 1864. He did not receive the appointment as district attorney.


George Tompkins, St. Louis, recommends Hamilton R. Gamble for appointment as district attorney in Missouri. ALS. Ibid. (MR1). Tompkins, born in Virginia, had taught school in Jefferson County, Kentucky, early in the nineteenth century, and by 1810 had moved to St. Louis, where he studied law while continuing to teach. In 1816 he had settled in Howard County to practice law. He had served twice in the legislature and was a judge of the Missouri Supreme Court from 1824 to 1845.

To [Peter B. Porter]

My Dear Sir

N. York. 23d. Nov. 1826

I regretted very much not to find you here on my arrival at this City on Monday evening last. I took a rapid excursion to this place merely to breathe after severe labor, and preparatory to the opening of the approaching campaign. One of my inducements to the trip was the hope of seeing you. I directed to be sent to you a Copy of my note to Mr. Vaughan, which will no doubt follow you.

What will be the consequences of the late election in your State? Will Mr. V. B. 5 be again retd. to the Senate? If that must be can nothing be done to neutralize the inference which will be
drawn from the fact out of the State? Such as requiring him to pledge himself, or the adoption of resolutions expressive of confidence &c— Do let me hear from you—

In great haste Your faithful friend

H Clay

ALS. NBuHi.

1 November 20.

2 Probably a reference to the Second Session of the Nineteenth Congress, which began December 4. Upon Clay's return to Washington, the Daily National Intelligencer reported (November 30) that he had visited his son (Henry, Jr.) at West Point.

3 Above, November 15, 1826.

4 See above, Rochester to Clay, November 18, 1826; Shaw to Clay, November 22, 1826.

5 Martin Van Buren. See above, Clay to Porter, June 22, 1826, note.

6 Clay's suggestions were not followed. Cf. below, Clay to Porter, December 12, 1826; Porter to Clay, December 24, 1826.

INSTRUCTIONS AND DISPATCHES

November 23, 1826

From Robert Monroe Harrison, Antigua. Reports, concerning the case of the Neutrality, that "a claim," instituted on his recommendation, has resulted in the proceedings against the vessel being "thrown out of Court" and that "the seizing officer, a most troublesome character, . . . has once more libelled the Wine and Beef," for which Harrison hopes "ultimately" to win damages. Suggests making "some representation of the circumstances . . . to the British Government. . . ." Solicits attention to his request to be "permitted to reside at St. Barts" (above, January 5, 1826). ALS. DNA, RG59, Cons. Dispatches, Antigua, vol. I (M-T327, R1).

MISCELLANEOUS LETTERS

November 23, 1826

From Gardiner Greene and Samuel Howland, New York. Explain that in October, 1825, they "shipped to the Port of Alvarado in Mexico . . . Ninety three Packages of White Wax, amounting p. Invoice to $10,000, which on arrival at that Port was seized by the Officers of the Customs, as the Produce of Spain, although . . . Proofs certified by the Mexican Consul [Ventura Obregon] accompanied the Shipment, proving it to be a direct importation from St. Petersburg & the produce of the Russian Empire"; transmit copies of such proofs and of a letter from (Joel R.) Poinsett, advising the Howlands' agent (John Parker) to apply to Clay for instructions authorizing Poinsett's "interference" in the case; note an attempt of "the seizing officer" to obtain a bribe; and cite conversation the Howlands' brother, Joseph, has had with Clay on the subject of the claim. LS. DNA, RG76, Mexican Claims Commission.

On November 29 Daniel Brent replied (erroneously referring to the date of the Howlands' letter as November 22), sending "under a flying seal" the instructions to Poinsett relating to the claim. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 432 (M40, R19). In these instructions, also dated November 29 and composed in Clay's absence, "which will not probably be extended beyond this day" (cf. above, Clay to Porter, November 23, 1826, note), Brent recommended attention to the Howland case and transmitted documents pertaining to it. Copy. DNA, RG59, Dip. Instr., vol. 11, p. 217 (M77, R6).

Ventura Obregón had been named Mexican vice-consul for New York in May, 1825. John Parker, an American citizen residing at Veracruz, had been the consignee of the Howlands' wax shipment to Alvarado.
From Samuel Wetherill and Others

Nov. 24, 1826.

Sir: As a committee of a large number of the citizens of Philadelphia, who entertain the highest respect for your character and public services; and are desirous to manifest their feelings and opinions, we request the honour of your company at a public dinner on Monday next.¹

We beg leave to offer, with this communication, an expression of the sincere regard with which we are

Your friends and fellow-citizens,

Samuel Wetherill,
William Bethell,²
T. I. Wharton,
Richard Peters, Jr.
John Conard,³

Edward Ingersoll,
Peter Christian,⁴
Clement C. Biddle,
R. W. Meade.


¹ November 27.
² Not further identified.
³ United States marshal for the Eastern District of Pennsylvania, 1819-1831. He had practiced law, taught school, sat in the United States Congress, from 1813 to 1815, and served briefly as a judge in his home State. He lived in Maryland from the early 1830's until 1851, when he returned to Pennsylvania.
⁴ A banker, long an alderman in Philadelphia.

DIPLOMATIC NOTES

November 24, 1826

From Charles R. Vaughan, Washington. Transmits a copy of a letter received from Sir James Kempt, stating that the American seamen, from the schooner Fairy, "with the two witnesses against them," are being sent to Boston. Notes "that Sir James Kempt declines availing himself of" Clay's offer of reimbursement of expenses in this matter. LS. DNA, RG59, Notes from British Legation, vol. 14 (M50, R15). Cf. above, Vaughan to Clay, October 20, 1826.

INSTRUCTIONS AND DISPATCHES

November 24, 1826

From Heman Allen, Valparaiso, no. 43. Transmits copies of "reports of the Committee of Foreign Relations," approved by the Congress of Chile, "on the subject of the instructions, to be given to the Ministers of Chile, that shall be appointed to attend . . . the Congress of Panama . . . ." Warns that these documents, as well as those addressed by the Peruvian Government to the Government of Chile, which he forwarded earlier (see above, Allen to Clay, April 4, 1826), have not been published, and were "obtained under circumstances, that will preclude the propriety, of their present publication in another place. . . ." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received March 16 (1827). One of the enclosed reports (in translation), dated November 8, 1826, names José Miguel Infante and Joaquín Campino as representatives
of Chile to the Panama Congress and states that “the basis of” their “instructions... confines them to obtaining precise information as to the object of this great assembly, and communicating the same to the Government of Chile, awaiting its ulterior determination.”

From John Williams, Guatemala, no. 8. Recalls having informed Clay (above, August 4, 1826) of a promise that “the new tariff” was to be modified at a called Session of Congress, which was to have convened October 1; notes the failure of a quorum to assemble and consequent dissolution of “the whole Government... except the Executive department”; describes the two principal political parties, “the Serviles & the... Liberals”; reports ratification “by the House of Deputies,” during a truce in the political squabbling, of “the treaty with the United States” (above, December 5, 1825); states that the President (Manuel José Arce) has called for a new constitutional convention, against which “the members of Congress assembled” have protested; notes armed conflict between federal and state armies; cites dispersal of members of Congress, not to meet again; and expresses regret at the failure of representative government. Describes the countryside through which he passed on a journey of 37 days. States that he has heard nothing from (Charles) Savage, that he has “appointed Capt. William Phillips of Philada. Consul pro tempore... for the Federation of the Centre of America—And... Robert Parker Consul pro tempore for the district of Salvador...” Mentions his intention of meeting a vessel “of the West India squadron at Omoa on the 15th.” (of December) to begin his journey home, leaving “the Office of Legation with Captain Phillips” until arrival of his successor. Recommends the appointment of Phillips as consul, if Savage has resigned. Reports having met (Antonio José) Cañaz, named to the Treasury Department, who “entertains no doubt of the practicability of the contemplated canal” (cf. above, Clay to Cañaz, April 18, 1825; Clay to Miller, April 22, 1825). States that he is corresponding with (Juan Francisco de) Sosa “relative to the imprisonment of Mr. [John] Marshall” (see above, Williams to Clay, August 29, 1826). LS (except for last page in Williams’ hand). DNA, RG59, Misc. Letters (M219, R2). Received January 28, 1827. Parker, an Englishman, has not been further identified.

**MISCELLANEOUS LETTERS** November 24, 1826

From Ether Shepley, Saco, Maine. Reports the result of his inquiry, made in compliance with Clay’s letter of October 26: the Hero was in American waters when seized by (C. H.) Jowett; “the Master of the Hero... so represented to Mr Jouett [sic], and took with him some American citizens to aid him”; upon “a representation of these facts and a presentation of a permit” obtained (by the master of the Hero) “from the Custom House,” Jowett released the vessel; no violence was used or intended; and “Only three men beside the Master and his two seamen were present—and they had neither weapons nor means of attack or defence.” Encloses testimony of five persons. ALS. DNA, RG59, Misc. Letters (M179, R64).

**APPLICATIONS, RECOMMENDATIONS** November 24, 1826

November 25, 1826

Daniel Garrison, Salem, New Jersey, recommends Elijah Brooks, editor of the Salem Messenger, to publish the laws. ALS. DNA, RG59, P. and D. of L. Garrison, Congressman from New Jersey (1823-1827), had been a member of the State legislature (1806-1808) and surrogate of Salem County (1809-1823). He was collector at the port of Bridgeton, New Jersey, from 1834 to 1838. Brooks had published a paper in Massachusetts before establishing the Salem Messenger in 1819. He did not receive the recommended appointment during the Adams administration.

Hedge Thompson also recommends authorization of Elijah Brooks to publish the laws. ALS. Ibid.

To Samuel Wetherill and Others

Philadelphia, 25th Nov. 1826.

Gentlemen: I have received the invitation which, as a Committee of a large number of the citizens of Philadelphia, you have done me the honour to convey, to a public dinner, on Monday next. It would have afforded me inexpressible gratification to have been able to meet, on such an occasion, the gentlemen who are pleased thus to manifest their regard for me, but my short sojourn here makes it impracticable, without a violation of previous indispensable engagements. I pray you to communicate to the citizens of Philadelphia, whom you represent, the very great regret I feel in being compelled to decline the honour intended me, and to assure them that, among the many instances of public and private hospitality which I have experienced in Philadelphia, I shall ever cherish a lively and grateful recollection of this new and distinguished testimony of friendly consideration.

Reciprocating most cordially your sentiments of personal esteem, I am, with great respect, Your obedient servant, H. Clay.


From J[ohn] J. Crittenden

My Dear Sir, (Private) Frankfort Novr: 25th 1826

Perhaps I can not better excuse my long silence than by adopting the gallant apology you have suggested for me, that my time has of late been devoted to the ladies. Marriage has at length releived [sic] me,¹ & you must excuse me if this should turn out to be a some what longer letter than a private gentleman ought to impose upon a high minister of State.
The information communicated by your letter of the 2nd Inst.: I shall not fail to use, as occasion may require, for the purpose of explaining & repelling the injurious rumors alluded to by you,—the one concerning your supposed attempt upon the virtue of Mr. Kendall,—the other concerning your supposed [sic] interference in our State politicks to prevent a compromise. The first rumor I have scarcely heard breathed here—It has a stamp upon it, that marks it as a counterfeit, & cuts off all possibility of its currency. And in that opinion, I presume, it has been abandoned by its authors as an uncurrent & fruitless falsehood, for I have not heard it named for a long time past—As to the other report, whatever mischief it could do has been long ago done—It has become stale, and will do no more injury. With the subject to which it relates, it is destined, I hope, soon to become utterly extinct. Be assured, however, that I will not omit any opportunity of removing, wherever it may be useful, unfavourable impressions it may have made.

I heartily return your congratulations upon the result of the late Congressional elections in New Jersey, Maryland &c With us the leaders of the New Court party are endeavouring to rally under the standard of General Jackson, and to carry over to him their whole party—This has been their grand aim—And to some extent it has been successful—But the Green river country (I am proud of Green River!) will not submit to this factious operation. Without distinction of local parties a great majority of its population is in favour of the present administration, as I am well informed. And I do believe [sic] that Kenty: will support the administration—She must do so, if every thing is not to be yielded to the facination [sic] of a military name—The leading measures which characterise the present administration, are those very measures which Kenty: has always favoured & promoted—And opposition now upon her part would seem to be a strange inconsistency. But indeed our situation is such as almost to defy calculation. The politicks of our State has tended for some years past to excite all our feelings, & to unsettle all our opinions if not our principles—Our politicks resemble a mighty quicksand, where one can hardly find terra firma enough to stand upon.—At present I have no doubt but that Kenty: is with the Administration, & my impression is that its cause will gain strength—But in our agitated & sensitive condition, where causes so often produce great effects, it is difficult to calculate the movements of the public Will—One thing is certain that we can not be too prudent or too vigilant—And in every thing that concerns Kenty: the administration can not be too circumspect or conciliatory—For my own part I had
almost as soon loose [sic] the present administration, as that it should loose Kentucky— And to shew you how slight causes may operate, I do beleive if you had appointed John Pope instead of Boyle our Federal District Judge, as it was once reported had been done, that you would in all probability have lost Kenty: by it— This of course is between ourselves— Altho’ I by no means state it to disparage Mr. Pope, but to shew in what degree our political sensibility is excited.

It is becoming quite fashionable here to argue that you are not at all interested, nor your prospects involved, in the approaching presidential election—that it is merely a contest between Jackson & Adams— And that in any event you, with all your hopes & expectations, are to come unharmed, if not improved, out of the furnace &c &c The object of all this hypocritical cant is plain & obvious— There is, however, a simplicity in its foolishness, that must render it very harmless. And I rather state it for your amusement than any thing else— In Genl Jackson’s administration what kind Patrons McDuffie & Co: would make for you!!

The course which my brother Henry has taken has gratified me very much— And the more so because I know that it is the result of the sincerest conviction, & most disinterested feeling— I knew the progress of his reflections upon the subject, & had several confidential conversations with him about it— I think there is not much doubt of his election, tho’ the new court men here will unite on that poor creature Lecompte, & those who oppose him will be divided between my brother, & Chas: H, Allen Esqr. who is also an administration candidate. Allen will be of no serious disadvantage to my brother, should he continue a candidate, but my impression is that he will be discouraged & withdraw from the contest before the election— And in the mean time his exertions will be favourable to the cause of the administration— He is zealous in its cause, and at the same time a warm new court man, and his popularity in his county (Henry) will have some influence on his party there, in preventing their secession from the administration. If it could fall in your way I should be glad that Allen could receive from you as early as possible some token of your notice & recollection of him— Some of your treaties, reports &c would do very well— He would understand the compliment, if not the documents.

I have just heard with great pleasure that Doctr: Henry has been elected to supply the vacancy occasioned by his brother’s death— He is a decided administration man.

You will see by a late Commentator, & in the next Argus, what notice I have taken of Duff Green’s article concerning the circular.
I will abuse your patience no longer, and for your comfort will promise not to trouble you again very soon with so long a letter.

Your friend

J J CRITTENDEN

Hon: H Clay Secty: of State

ALS. NcD.

1 On November 15, 1826, he had married Maria Innes Todd, daughter of Harry Innes and widow of John H. Todd. Todd had died August 30, 1824.

2 Not found.

3 Cf. above, Kendall to Clay, October 4, 1825; Clay to Kendall, October 18, 1825.

4 Cf. above, Clay to Hammond, December 10, 1825; Blair to Clay, January 4, 1826, and note.

5 See above, Clay to Hammond, October 7, 1826, note; Clay to Everett, October 19, 1826.

6 Cf. above, Kendall to Clay, October 4, 1825; Wickliffe to Clay, January 13, September 13, 1826; Worsley to Clay, November 3, 1826.

7 Probably a reference to the re-election of Richard A. Buckner, whose vote for Adams over Jackson in the election of February 9, 1825, had been made the basis for severe attack in the campaign of 1826. William B. Allen, *A History of Kentucky, Embracing Gleanings, Reminiscences, Antiquities, Natural Curiosities, Statistics, and Biographical Sketches . . .* (Louisville, 1872), 361.

8 John Boyle.

9 George McDullie.

10 Henry Crittenden, of Shelby County, who had been a member of the Kentucky Legislature, 1824-1825, had become a candidate for Congress in opposition to the incumbent, Joseph Lecompte, of Henry County, who had fought in the Battle of New Orleans and had served in the legislature, 1819-1920, 1821, 1822. Lecompte won the election, held in August, 1827 (and remained in Congress until 1833), Crittenden stood second in the number of votes, and Allen was third. Both Crittenden (in 1828-1829, 1831) and Lecompte (in 1838-1839, 1839-1840, 1844-1845) again served in the Kentucky House of Representatives.

11 Cf. above, Clay to Southard, October 1, 1826, note.

12 On Green's article, cf. above, Clay to Force, October 9, 1826, note. In his statement to the Frankfort press, Crittenden recalled the appointment of the committee of correspondence to promote Clay's candidacy and asserted that he wrote the circular letter to which one other person contributed to a small extent, that "Clay never saw it" before publication, and that all members of the committee had authorized the use of their names. In a postscript, written after the first publication of the statement in the Frankfort *Commentator*, Crittenden added that he had received information which he considered unquestionable, "that after the circular above alluded to was placed in the hands of the printers, Messrs. Wm. T. Barry and John Rowan, who happened casually at Frankfort, called at the printing office, and affixed their own signatures to it before it was published." Frankfort *Argus of Western America*, November 29, 1826.

FROM ALBERT GALLATIN, London, no. 29. Encloses a "copy of the Protocol of the first conference with the British Plenipotentiaries" (cf. above, Gallatin to Clay, November 16, 1826). Reports that, at the second conference, on November 22, the British informed him that they "were not yet prepared to give an answer" to the article he had offered. Outlines his own argument: (1) "The United States claimed a natural extension of their territory to the Pacific Ocean, on the ground of contiguity and population which gave them a better right to the adjacent unoccupied land than could be set up by any other Nation." This claim is strengthened by the colonial charters, "extending from the Atlantic to the Pacific . . . . The boundary line agreed on by the Commissioners appointed in pursuance of the treaty of Utrecht, (the 49th parallel of latitude) though falling short of what might be claimed by the United States on other grounds, was offered by them, and must at all events be binding on Great Britain. That line . . . had already been extended to the Stony mountains:
there was no reason why it should not be continued as far as the claims of both parties extended." (2) By right of discovery, "the United States had a right to claim . . . the whole territory drained by . . . [the Columbia] river . . ., together with a certain portion of the coast north & south of the mouth of the river." (3) "By virtue of their treaty with Spain [cf. above, II, 678n], the United States claimed all which Spain might have lawfully claimed North of 42° of latitude. . . ." Notes that he pointed out that "the Nootka Convention . . . was a compact only between Spain and Great Britain," affecting solely "commerce and commerce with the natives" and not "the territorial claims of the parties," and that British settlements "made subsequent to the Convention of 1818 added nothing to the claims of the British." Summarizes the various explorations and discoveries of the area. Observes that he "cannot see the policy of substituting the fabulous name of Oregon to that of Columbia, which was that of [Robert] Gray's ship & perpetuates his discovery." States that the conference ended on a conciliatory note, although he doubts that "there is a disposition to come to a reasonable agreement. . . ." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 83 (M30, R29). Received January 16. Published in American State Papers, Foreign Relations, VI, 652-55.

The commissioners under the Treaty of Utrecht had failed to agree on a boundary when the French refused to accept a British proposal, in 1719, that the 49° parallel "be the southern limit of the Hudson's Bay Company's territorial possessions." Nevertheless, after New France had become British, in 1763, "contemporary English mapmakers began to consider as the southern limit of western Canada . . . the line of 49° north latitude. . . . This cartographical fiction later became the sole precedent for the international boundary of 49°." Samuel F. Bemis, "Jay's Treaty and the Northwest Boundary Gap," American Historical Review, XXVII (1921-1922), 479-80.

Robert Gray, a native of Rhode Island, had sailed into the Columbia River in 1792.

From James Ombrosi, Florence. Reports "a gracious reception" at Court, where he presented the Reverend Romeo Elton, professor at Brown University, to the Grand Duke of Tuscany (Leopold II). Remarks "that a like honor has not before been granted to" him and that it contrasts "with all the difficulties experienced before. . . ." ALS. DNA, RG59, Cons. Disp., Florence, vol. 1 (M-T204, R1). Received January 14. Elton, author and editor, had held pastorates of Baptist churches in Rhode Island and in Vermont. He was in Europe preparatory to undertaking the professorship to which he had recently been called. After resigning from Brown in 1843, he was for a time pastor of a church in Boston.

Leopold II was Grand Duke of Tuscany from 1824 until forced from power by a revolution in 1859.

From William Tudor, Lima, no. 51. Transmits "duplicates of . . . correspondence" with the (Peruvian) Government, which has not yet replied. ALS. Ibid., Lima, vol. 1 (M154, R1). Received February 24, 1827. The enclosure, directed to "Don. J. M. de Pando Minister of Foreign Affairs," dated November 2, is the letter, relative to the new tariff, referred to above, Tudor to Clay, November 21, 1826.

From John G. A. Williamson. Reports his arrival at La Guaira; notes that (Jose Antonio) Páez is in control at La Guaira and Caracas, that an army captain has led a successful revolt at Puerto Cabello (cf. below, Nones to Clay, November 28, 1826), and that it is hoped that Páez will recognize the stalemate.
with this rival and with Bermudez in Cumana, until (Simón) Bolívar arrives. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Received December 13, 1826. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1304-1305. Cf. above, Litchfield to Clay, July 20, 1826; below, Nones to Clay, November 28, 1826.

APPLICATIONS, RECOMMENDATIONS November 25, 1826


Thomas L. L. Brent, Lisbon, recommends Robert Montgomery, United States consul at Alicante, for the consulate at Santa Marta. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received March 24, (1827). Montgomery did not receive the proposed appointment.

Elijah Brooks, Salem, New Jersey, solicits authorization to publish the laws in the Salem Messenger. Asserts that “the [Bridgeton] Washington Whig . . . has been incapable . . . for several years past, . . . has fallen into very incapable hands—. . . neglecting, as it has done for two years past, all opportunities for sustaining the government, and distinguished individuals, against the unhallowed attacks of the disappointed factionists of our country. . . .” ALS. DNA, RG59, P. and D. of L. Cf. above, Ferguson to Clay, November 7, 1826; Garrison to Clay, November 24, 1826, note.

Reuben Harvey, Cork (Ireland), solicits appointment as consul at that port. ALS. DNA, RG59, A. and R. (MR2). See above, Cropper, Benson, and Company and others to Clay, November 7, 1826, note.

Elijah J. Roberts, New York, solicits appointment as “Secretary to any mission” or as consul “of any port which will warrant a respectable support for a small family.” ALS. DNA, RG59, A. and R. (MR3). Roberts received no appointment.

Israel Trask, Boston, recommends William James Sever as consul at Santa Marta, where he is a merchant, and encloses a “recommendation of sundry merchants of Boston” supporting this nomination. ALS. Ibid. (M531, R7). The enclosure, undated, is signed by representatives of sixteen firms, headed by J(ames) and Th(omas H.) Perkins and Sons. Trask, a veteran of the Revolutionary War, was for a time, during the administration of Levi Lincoln, a member of the Governor’s Council in Massachusetts. On the recommended appointment, see above, Sever to Clay, August 5, 1826, note. The elder Perkinses, brothers, had built up a profitable trade with the Far East following the American Revolution. Thomas, a prominent Federalist, had been a member of the Massachusetts General Court much of the time from 1805 to 1824 and in 1833 deeded his home to the New England Asylum for the Blind, named after 1839 Perkins Institute.

From Charles Hammond

My Dear Sir. Cincinnati Nov. 26. 1826. I have nothing to object against the correctness of Mr Rush’s
views upon my application to him— I would not wish any indulgence to be Extended to me, which might Subject a public officer to the charge of favoritism, or make a precedent which could not be followed without public inconvenience and mischief. My application was, in part, induced, by observing among the charges against Mr Benton, a Statement, that he had obtained some indulgence from the Treasury for a debt originally contracted with the Bank of Missouri. I inferred therefore the precedent had been Set—

I am very apprehensive that the Bank of Steubenville will not be able to meet its engagements, as I can advance no part of this Sum to them— The suggestion you make will, no doubt, be very acceptable to them, and I shall suggest it to them accordingly.

In my tour thro the State, and I was on its borders and thro' the center, I found a strong Sentiment in favour of the administration. The result of the election produced a very unfavorable feeling towards the final Success of the hero— And cool d [sic] the ardor of many of his strong Supporters— I am much afraid that there is too little principle in the politics of the times— That a view to Self-aggrandisement and Self interest is a too general source of opinion. There is not, in the community, that united feeling of attachment to men and measures, which is essential to hold politicians together— We smile when we perceive this source of disunion among our opponents— Are we certain that there is not among ourselves the Same Selfish lukewarm temporising spirit?— As an illustration, how shall we reconcile Gov. Carroll's recently published letter lauding Gen. Jackson, with his letter to you, received at Lexington?

I concur with you, in opinion, that in our relations with foreign governments generally it were wisest that the press should leave them to be presented first by the Government itself— In the present colonial dispute with Great Britain, it Seems to me that the course of that Government, if it were strictly just to others, is very unwise as to themselves—

Allow me to suggest an opinion upon one public measure— Let the judiciary question rest for the present— The terms are not Sufficiently composed—and, I am well persuaded that should the bill pass, the appointments cannot be made, without prejudice to the administration, perhaps to the country— Repeating my former statement, that for myself I have no pretensions, I must Say to you, that I can See a very probable appointment, to which I do not now feel that I could be reconciled—

I have nothing to Say on the appointment of an Examiner of land offices— There will be many applicants, and I care not to take any part—
There resides in Warren County an old gentleman Francis Dunlavy, a scholar, a firm unyielding independant [sic] man—who disdains all compromises who was 14 years a judge but was too positive and passionate for that Station—one of the eldest Selters [sic] of the State, very honest, poor, in consequence of our Bank failures. He is now practicing law— But does not succeed well— He was an ardent supporter of Mr Adams and is Still a supporter with great zeal of the administration— He could perform his duty correctly, He is not an applicant that I know of— He is not likely to be one—I think his appointment would be well received8— But I do not ask it— The Post Master Gen.9 I should think, would like him to be appointed and be glad of the credit of procuring it—

I send this by Col. F. Johnston10 and I shall write to you occasionally, when I have ought to Say that may be useful, with the express understanding that I do not wish to tax you with regular pro. forma answers. Sincerely yours C. Hammond

ALS. OHi.

1 Cf. above, Hammond to Clay, October 26, 1826; Clay to Hammond, November 10, 1826.

2 In remarks before the Senate on May 16, 1826, David Barton had identified Thomas Hart Benton as "one of the Directors of the Bank of Missouri, who in 1801 [sic], 'gutted' it of $152,000. . . ." Washington Daily National Journal, June 10, 1826. Benton had been a director of the Bank of Missouri in August, 1821, when it failed, owing the Federal Government $152,343 in deposits and interest. A judgment for $7,076.14 had been assessed against him in settlement of his proportion of the debt. This had been liquidated by the trustees' assumption of "a remaining equity" which Benton held in a house and lot in St. Louis. Chambers, Old Bullion Benton, 106, 145.

3 See above, Sloane to Clay, October 16, 1826.

4 Under date of October 23 William Carroll had written to Robert C. Thompson, member of the Tennessee Legislature from Davidson County, in reply to the latter's inquiry concerning Carroll's views on the presidential candidacy of Andrew Jackson, an opinion solicited as a consideration to be weighed in Carroll's own proposed nomination as United States Senator. Carroll "positively" denied "that a single instance . . . [could] be adduced of enmity on . . . [his] part towards General Jackson," released his "most intimate friends from all obligations growing out of free, private, confidential conversation with regard to the Gen. [sic] or his fitness for the office of chief magistrate of the Union," and called upon them "to disclose it" if Carroll had "at any time said aught to his [Jackson's] prejudice. . . ." Carroll specifically denied having written three years earlier "a letter to Louisiana, stating that the General would not receive the vote of Tennessee for the Presidency," and maintained that in the "five or six letters on the subject," which he had then written, he had said nothing "in the slightest degree injurious to the General. . . ." Reprinted from the Nashville Banner and Whig in Danville, Kentucky, Olive Branch, November 17, 1826. For Carroll's earlier correspondence with Clay, in reference to the election of 1824, cf. above, III, 292-300-62 and note.

5 Cf. above, Gallatin to Clay, August 19, 1826.

6 Cf. above, III, 551n; Hammond to Clay, January 4, 1826, and note.

7 See above, Clay to Hammond, November 10, 1826.

8 Dunlavy, identified as a resident of Indiana, was named to examine the land offices in Louisiana for the year 1827. James Wilson received the assignment for Ohio.

9 John McLean.

10 Francis Johnson.

From John G. A. Williamson, La Guaira. Reports that, since his commission was directed to Colombian authorities and (José Antonio) Páez has overthrown the Intendant of Caracas (Cristóbal Mendoza), he awaits advice on the course he should pursue; notes that civil war appears inevitable; asks that American vessels be sent "to protect if necessary the rights of her Citizens"; expresses hope that (Simón) Bolívar will reach Caracas in time to prevent bloodshed. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. I (M84, R1). Received January 6, 1827. Published in Manning (arr.), Diplomatic Correspondence... Latin-American Nations, II, 1305-1306.

Mendoza, educated as a lawyer, had been identified with the revolutionary forces in Venezuela since 1810 and, as a Patriot supporter, had been driven into exile in 1812. Upon his return to Venezuela he had been appointed by Bolívar to political and judicial authority over Caracas and, from 1821 to 1824, judge of the northern district of Venezuela. His independence of outlook had repeatedly led to difficulties in his relationships with other Patriot leaders.

APPLICATIONS, RECOMMENDATIONS November 26, 1826

James G. Brooks, New York, solicits Secretaryship of Legation in Colombia. ALS. DNA, RG59, A. and R. (MR1). Brooks, a poet and editor, had been graduated from Union College in 1818. He had studied law but, instead of practicing, had become associated with a New York literary journal. Not receiving the appointment here requested, he became in 1827 an editor of the strongly Jacksonian New York Morning Courier and, thereafter, was associated with a succession of newspapers until he resigned from the staff of the Albany Advertiser in 1839. He died in 1841.

John Sergeant, Philadelphia, recommends "Samuel Brashears Esqr., as a gentleman well qualified for some branches of the public service." Notes that "He is a native of Virginia, spent a part of his youth in Kentucky, and is related to a family of that name near Lexington." Adds that the young man once was employed by a commercial house, which sent him to England; that he studied law under Sergeant and is a member of the Philadelphia bar; and that he speaks French and Spanish. ALS. Ibid. Young Brashears, not further identified, may have been related to Dr. Walter Brashear, of Lexington.

INSTRUCTIONS AND DISPATCHES November 27, 1826

From Heman Allen, Valparaiso, no. 44. Informs Clay of a report "that the Colombian Minister in England" (Manuel José Hurtado) has, "without the knowledge of any of the Ministers of the other Spanish American States in London, ... proposed to Spain" a twenty year truce and "that the French Minister Villele" has suggested to Britain the creation of "three empires" in Latin America—"one under a Bourbon Prince," another under (Simón) Bolívar, and the third under Pedro I. ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received March 17, 1827. Published in Manning (arr.), Diplomatic Correspondence... Latin-American Nations, II, 1115. Cf. above, Poinsett to Clay, September 22, 1825; Everett to Clay, April 5, 1826.
From Albert Gallatin, London, no. 30, "Confidential." Reviews the substance of a letter he wrote two months earlier, informing the President "that one of the King's Ministers had, about the time that the order in Council of July last [cf. above, Gallatin to Clay, August 19, 1826] was decided upon, expressed his great dissatisfaction of the language of the Government of the United States in their diplomatic intercourse with Great Britain; to which he added that the United States seemed as if they wished to take an undue advantage of the temporary distress of England [cf. above, Hughes to Clay, June 14, 1826], and that it was time for her to make a stand and to show her displeasure." States that he has learned "that it was Mr [George] Canning who made the complaint to a confidential friend, at which time, without mentioning to what he alluded, he also said that the language used by America was almost tantamount to a declaration of war . . . ." Recalls that, in the interview of November 5 (cf. above, Gallatin to Clay, November 5, 1826), Canning "used the same language & nearly in the same words in reference to Mr Baylies's report on the territory west of the Stony mountains." Declares that "It is most undoubtedly that report which has given great offence; and" in his opinion, "though not the remote or only, it was the immediate cause of the order in Council." Expresses belief, from what Clay has "justly observed in reference to the construction finally put, in Nova Scotia and New Brunswick, on the act of Parliament of July 1825, and from" Vaughan's statement "respecting the appointment of an additional person to negotiate with the United States, that there was not at that time any disposition either to refuse to negotiate on the subject of the Colonial intercourse, or to exclude us altogether from it" (see above, Clay to Gallatin, October 12, 1826). Ascribes "To the same cause . . . . the symptoms of susceptibility, not to say irritability," shown in recent "conferences on the western territory." Asserts that "The annual discussions in Congress on the establishment of a territorial Government on the Pacific had shown what were the feelings in America . . . ., and, though not pleasant to the ears of the British Ministers, had been rather useful. . . . ." Continues: "But Mr Baylies's report struck beyond the mark, . . . in the charges of inordinate ambition against Great Britain, and above all in the kind of defiance with which the report concluded." Comments that Canning, who does not understand the weight to be attributed to a Congressional committee, "not appointed by the house," should "at first . . . . have spoken with candour to" him, but "This shows the necessity of a concert, on all that is connected with the foreign relations of the Country, between the Executive and the committees of Congress." Concludes "that an arrangement on that western territory is both more difficult and more important than had been apprehended" and that "If none can be made it will be necessary to come to an understanding with Great Britain, which, without affecting the rights of either party, may prevent collisions and yet enable us to acquire a solid footing in that Country." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 16. Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 540-41.

From Franklin Litchfield, Puerto Cabello. Repeats his plea for a vessel of war (cf. above, Litchfield to Clay, July 20, August 12, 1826). Reports that, on November 21, the town and fort declared their support for (Simón) Bolivar, after (José Antonio) Páez, on November 7, had proclaimed himself champion of Venezuela and independent of both Colombia and Bolivar. ALS. DNA, RG59, Cons. Disp., Puerto Cabello, vol. 1 (M-T229, R1). Received January 15. Cf. below, None to Clay, November 28, 1826.
From CONDY RAGUET, Rio de Janeiro, no. 19. Reports that he has heard nothing recently of the SARAH GEORGE (see above, Bond to Clay, October 28, 1826) and the PIONEER (see above, Raguet to Clay, October 2, 1826); that a Portuguese warship has sailed for France, "for the purpose, as is said, of bringing over Don Miguel"; that he (Raguet) refused to attend the state funeral of the father of the Marchioness of Santos, the Emperor’s mistress; that the Emperor departed, November 24, "for the seat of war," possibly "urged on" by the arrival, over a period of several days, of five United States vessels of war “in addition to the three already on the station” (cf. above, Raguet to Clay, November 18, 1826) and by the general anticipation “that our Government would make some opposition to the system of blockade practiced in the River Plate”; and that the possibility of the United States aiding Buenos Aires has "induced the Emperor to resolve . . . upon making one extraordinary effort to terminate the war."

Summarizes the motives which, he thinks, impel the Emperor to try to end the war, by force, by money, or by “resort to the mediation of England. . . .” States that he has been told that (Robert) Gordon has concluded with Brazil a treaty “for the suppression of the slave trade . . . .” Notes that Brazil “has agreed to admit free of duties, the supplies imported . . . for the use of our Squadron upon this station, upon the condition, that the favour is to be reciprocated . . . .” Corrects an error in his letter of October 31 by noting that “The cargo of the Leonidas has been sold . . . but . . . not yet been formally condemned . . . .”

ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Extract published in American State Papers, Foreign Relations, VI, 1046. A second convention between Great Britain and Brazil for abolition of the slave trade (cf. above, Raguet to Clay, October 26, 1825, note; Vaughan to Clay, April 12, 1826) had been signed November 23, 1826. For the terms, see British and Foreign State Papers, 1826-1827, pp. 609-612.

MISCELLANEOUS LETTERS November 27, 1826

From Gardiner Greene and Samuel Howland, New York. Refer to their earlier letter (above, November 23); enclose a copy of a letter given by (Joel R.) Poinsett to their agent (John Parker), “who has since arrived in New York & states that he could do nothing with the Person to whom it was addressed”; note that the agent “returns in a week or ten days to Mexico”; and express a hope that “he might be the bearer of . . . instructions to Mr. Poinsett.”

LS. DNA, RG76, Mexican Claims Commissions.

From HUGH R. MERSEILLES, Bridgeton (New Jersey). Replies to Clay’s letter of October 21 (not found), concerning (John I.) McChesney’s claim for payment for publishing the laws; explains that he, not McChesney, is entitled to the compensation; charges that McChesney, after giving up the (Bridgeton Washington) Whig, rented a press and, in violation of assurances he had given Merseilles, began publishing another paper (see above, Ferguson to Clay, November 7, 1826, note); notes that this paper has passed into other hands and is now opposed to the (Adams) administration. ALS. DNA, RG59, P. and D. of L.

From JOSEPH L. TILLINGHAST, Providence. Forwards “the enclosed at the request of the gentlemen whose names are subscribed thereto . . . .”

ALS. DNA, RG59,
SECRETARY OF STATE

Misc. Letters (M179, R64). Endorsed by Clay on cover: "Mr. [Daniel] B[rent]. will prepare a letter [not found] stating that the subject has already recd. the consideration of the President and our Chargé has been instructed on it. H.C."

Tillinghast, a native of Massachusetts, had been educated in Rhode Island and had begun the practice of law in Providence in 1811. He was a member of the State House of Representatives (1826-1833) and of Congress (1837-1843).

The enclosure, not now filed with Tillinghast's letter, is probably the document, above, Greene and others to Clay, November 21, 1826. For Clay's reply to that letter, see below, December 5, 1826.

Referred to by Clay in answer to a note from Frederick Greene and others, November 21, 1826. A copy of the letter is in the file, and signed by Clay, December 5, 1826.

Referred to by Clay in answer to a note from Frederick Greene and others, November 21, 1826. A copy of the letter is in the file, and signed by Clay, December 5, 1826.

Receipted Bill from Charles C. Watson and Sons

No. 92 Chesnut [sic] Street Philadelphia Nov 28. 1826
The Honl. Henry Clay To Charles C. Watson & Sons

1826

Nov 22 To A Black Irish extra Saxon Cloth Coat $38.50
To An Olive Irish Cloth Frock 42.50
To Velvet Collar to do 2.50
To A Buff single Cassimere vest 6.50
To A Black English florentine do 8.50
To Springs to vests 1.50
To A pr mix'd [. . .]. Cass Trousers 12.75
To A Buckskin Jacket 5.50

$116.25

Recd payment in full for Chas. C. Watson & Sons

WM. P. JOHNSTON Jr

ADS by Johnston, printed letterhead. DLC-TJC (DNA, M212, R16). Charles C. Watson had been in business as a tailor in Philadelphia as early as 1791.

I Word illegible. 2 Not further identified.

DIPLOMATIC NOTES

November 28, 1826

From Juan Maria Gomez, New York. Notes that he recently went "to the metropoliz [sic] in hopes of paying . . . respects" before leaving for Brazil on a new assignment; expresses regret not to have seen Clay, because of the latter's absence; and states his "gratitude for the particular predilection for" Colombia which Clay has "constantly shown through . . . [his] public life . . ." ALS. DNA, RG59, Notes from Colombian Legation, vol. 1, pt. 2 (M51, R2). Clay's reply, dated December 4, was formal. Copy, in DNA, RG59, Notes to Foreign Legations, vol. 3 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

November 28, 1826

From Asraham B. Nones, Maracaibo. Reports having been informed that "dispatches from Puerto Cabello" reveal "that the Civil and Military Authorities and the people" have turned against (Jose Antonio) Paez (cf. above, Litchfield to Clay, May 22, 1826, note) "and placed at the head of affairs, General Brixeno [sic] Mendez at same [sic] time declaring their adhesion to the Constitution and Government of Bogota; awaiting the arrival of the President
November 28, 1826

[Simón Bolívar] for those reforms which may be necessary for the Common good. . . ." LS. DNA, RG59, Cons. Disp., Maracaibo, vol. 1 (M-T62, R1). Received January 7, 1827. General Pedro Briceno Méndez, Bolívar's nephew by marriage, had been his uncle's secretary, had served as Colombian Secretary of War and Marine, had been a delegate to the Panama Congress, and had sat in the Colombian Senate. He was later secretary to Páez and Senator in the Venezuelan Congress.

From Charles Savage, New York. Reports his inability to visit the capital of Centre-America before his departure, his health having failed during an inspection of the southern states of that Republic to appraise their "susceptibility for American Commerce, and the practicability of having a Ship Canal between the two seas." Concludes that the trade would be negligible because of "the paucity and degradation of its population" and that the canal would be impracticable because the trade is unimportant and the climate "too bad." Asks that some provision be made to supplement his own income, since "at present no commercial operations can be depended upon" for support there. Announces that his physician requires that he not return to Guatemala until his "health is reestablished." ALS. Ibid., Guatemala, vol. 1 (M-T337, R1).

On December 6, Daniel Brent, as "directed by the Secretary," replied that the President granted Savage leave of absence "for a reasonable length of time." Copy, in DNA, RG59, Cons. Instr., vol. 2, pp. 408-409 (M78, R2).

From Beaufort T. Watts, Bogotá, no. 19. Expresses, after having seen (Simón) Bolívar, "respect, and admiration for his talents and viruses"; reports that Bolívar left, on November 25, for Caracas with the intention of "visiting all the Departments, wherein dissention [sic] or discontent have made their appearance." Notes that "Confidence in the government [of Colombia] is already restored, and the Liberators [sic] presence has tranquilled [sic] all factions . . ." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T35, R4). Received January 11.

Miscellaneous Letters

From John Sergeant, Philadelphia. States that his "friend and neighbour, Mr. J. J. Borie, has a claim upon the Mexican Government," of which "The particulars will be exhibited in a memorial"; and that Borie is in "every way worthy of the interposition he asks." ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed by clerk on cover: "with Borie & Laguerne's [sic] Letters of 2 Decr 1826." Cf. above, Borie and Laguerenne and others to Clay, August 29, 1825.

From William Thornton, "Patent Office." States the need for additional clerks in the Patent Office; argues that the employees of the office should receive compensation equal to that of personnel in such other subordinate divisions of the government as the General Land Office, "the offices of the Auditors and the Pension Office"; submits a salary scale; and points out that the income of the office has far exceeded the expenditures. Copy. House Reports, 19 Cong., 2 Sess., no. 99, pp. 3-4.

On December 8, Daniel Brent replied, at Clay's direction, that a recommendation would be made "to the Chairman of the Committee of Ways and Means of the House of Representatives" (Louis McLane) for an increase in Thornton's salary but for no other charges "with regard to the Patent Office, than those

From James Brown

My dear Sir, Paris Nov. 29. 1826

I was happy to find from a letter which I received from Mr Isaac Bell of New York that the Henrey [sic] having on board the things sent out by your order has safely arrived. This vessel had an unusually long passage, and we had felt some apprehensions for its safety. I have seen the Arrival of the Edward Bonnifer, which sailed some days after the Henrey announced, and presume that you will have seen Mr Donnell of Baltimore who went out passage in the first of those ships and who received of me here, and promised to pay the ballance [sic] remaining on the whole affair. If you should meet with young Donnell, I hope you will notice him as he was attached to this Legation, was very intimate with us and is a young gentleman of good education, good habits, polished manners and strict integrity. He is the son of Mr John Donnell of Baltimore and has spent three years on this Continent during which time he has visited almost every part of Europe. If you wish any thing more sent to you I hope you will feel no hesitation in commanding our services, and instructed by what has happened we will be able to manage the fiscal part of the business better than on the former occasion.

The Count de Menou called on me yesterday and we spoke together on the subject of our claims. He is well acquainted with the Ministry and knows their views in relation to our affairs. He intimated that even if Ministers were disposed to pay them great opposition might be expected from the Chambers to making the necessary appropriations, as well because many of the Members believed that the present dynasty ought not to satisfy for the wrongs done by the former, as because much danger was apprehended from the admission of the principle of responsibility [sic]. He added that in his opinion it would have been much more easy to have obtained an appropriation for the payment of our claims immediately after the restoration than at this time, and he intimated that the Government might now take the ground hinted at but too plainly in the last letter which I received from the Baron de Damas unless something could be done by opening a general negociation on all the subjects of difference subsisting between the two Governments. I told him that for the honor of the French nation I hoped the Ministry would not take the ground to which he alluded—that it was itself manifestly untenable on principle—that it would stand in opposition to the whole course of conduct of the Government ever
since the restoration, and being presented at this stage after many years of negotiation during which it had never, under of [sic] the former Ministers, been put forward, it would now present itself with a very bad grace— That as to the delay, and the increased difficulties consequent upon it, of obtaining appropriations, they could in no manner be chargeable to the government of the United States—that the Duke of Richelieu had requested Mr Gallatin to wait until other pressing claims had been satisfied when ours would obtain a more favorable hearing[6]—that the delay since had been wholly attributable to the French Government which had for years given no answer to our application and had never interposed the objection that France under the Bourbons was irresponsible [sic] for the injuries done by Napoleon, but had on the contrary intimated an intention of paying for the Vessels burnt and destroyed on the Ocean[6]— I added that if this ground was once assumed it put an end to all further attempts to arrive at an amicable adjustment— As I knew the Count de Menou was in habits of almost daily intercourse with the Minister of foreign affairs, and would probably report to him what passed between us, I enlarged considerably on the subject, and intimated the danger to the good understanding between the two Countries arising from a refusal to liquidate claims so just in themselves and in which the Government and people of the United States felt so much interest. He said he thought it could be effected by a negotiation of the matters in dispute generally. I told him that the Claims of France, the justice of which I saw no reason to admit, were reducible to the question under the Treaty,[7] and to the claim of Beaumarchais heirs[8]—that we had always been ready to go into the examination of the last, and that both of them combined must give, even if admitted, an amount so trifling, that they could not seriously be considered as forming a ground on which to arrest the settlement of the Claims of our citizens for property wrested from them many years ago in defiance of every principle of justice. He said that in case France agreed to settle our claims, it was to be feared that Naples[9] and Holland[10] when pressed by us, as they undoubtedly would be, might insist that France should meet the responsibility as it might be contended that those illegal seizures had been made under the order or influence of Napoleon. I told him that we had nothing to do with that question. He expressed a strong wish to see the disputes between the two countries terminated. This conversation was private and I would not violate the implied obligation of confidence so far as to make it the subject of a dispatch to the Government whilst I have thought it my duty to mention it to you in a confidential manner. I did understand some time ago that the Count de Menou would be sent immediately to Washington
to act as Charge d’affaires on the departure of Baron de Mareuil who will return to France early in the spring. I now hear that he will not leave this before the 1st. of January. He is remotely related to the Minister of foreign Affairs, more nearly to the Duke of Damas\(^1\) first Gentleman of the Dauphin,\(^2\) and has many respectable friends and connexions near the King.

The state of Continental affairs has undergone no change since I wrote you last. The Speech of Mr Canning who describes England as occupying a high rank in Europe and as having come to a determination to sustain Portugal under the Representative system,\(^3\) has not exactly pleased the Ultra royalist party here, which connected as it is with the Jesuits and the Congregation is very strong, and violently opposed to the spread of liberal principles. The Ministry\(^4\) however will have their majorities in both Houses and consequently will retain their places for some time.

Since writing the above I have received your letter\(^5\) mentioning that you have seen Mr Donnell and heard of the arrival of your effects.

Mrs. Brown is in good health and sends her affectionate salutations to her sister.

I am Dear Sir very truly Your faithful & Obedient servant

Hon Henry Clay

James Brown

ALS. DLC-HC (DNA, M212, R2).
\(^1\) Cf. above, Brown to Clay, August 23, 1826.
\(^2\) The Edward Bonaře.
\(^3\) Cf. above, Brown to Clay, January 30, 1826.
\(^4\) See above, Brown to Clay, November 28, 1825.
\(^5\) Cf. above, III, 154-55n, 313n. Richelieu had been both Prime Minister and Foreign Minister, 1815-1818, and Prime Minister alone, 1820-1821.
\(^6\) Gallatin, in conversations with De Neuville in the fall of 1822, had encountered the argument that the Bourbons did not consider themselves bound to pay claims "arising from Bonaparte's aggressions and decrees." While Viscount Mathieu Jean F. Montmorency, who had assumed the duties of the French Foreign Office in December, 1821, had offered some encouragement for a settlement of the American claims if negotiations for the commercial treaty then underway should be successful (cf. above, II, 155n), Count Villèle, who had taken over the Ministry of Foreign Affairs in the summer of 1822, appears never to have given ground for hope of a settlement independent of the broader discussions mentioned below. See McLemore, Franco-American Diplomatic Relations, 13-14, 29-31.
\(^7\) For the cession of Louisiana. See above, Brown to Clay, January 13, 30, 1826; April 15, 1826.
\(^8\) See above, III, 313n.
\(^9\) See above, II, 505n; Clay to Appleton, May 12, 1825; June 8, 1826.
\(^10\) See above, Clay to Hughes, April 27, 1826.
\(^11\) Joseph-François-Louis-Charles, Duke de Damas, of a different branch of the Damas family from that of the Foreign Minister, had been an officer in the French forces fighting in the American Revolutionary War. He had been named first gentleman of the chamber in 1824 and duke in the following year. He died in 1829.
\(^12\) Louis-Antoine de Bourbon, Duke d’Angoulême, elder son of Charles X, was the last dauphin of France. When Charles X abdicated, in 1830, the son renounced his title and became an exile.
\(^13\) Canning had spoken, November 21, in reply to criticism in the House of Commons concerning the King’s speech opening Parliament.
\(^14\) Headed by the Count de Villèle.
\(^15\) Above, October 21, 1826.
From Isaac Thom

Nov. 29th, 1826

Dear Sir,

As the United States are owners of One Thousand shares of the Stocks in the Louisville & Portland Canal Co.¹ and as they will probably acquire an Agent to attend to that interest I would be glad of the situation if such an appointment should be made— As the services will not be great I do not expect the salary will be equal to a living or a support, but whatever may be allowed will add so much to my other business & be acceptable— I would observe that my individual interest in the Canal is very small, but that I feel a deep interest in its successful completion for the benifits [sic] of our country— I am still a Director of the Company but if that should be an objection I will at once resign for the agency— If Bonds are required I can give them— Notwithstanding all the reports that have gone abroad against our Canal—you may rest assured the work is progressing well— if the next season should be favorable in point of health & water I have no doubt the work will be completed by the 1st. Novr. 1827 agreeably to contract— If you feel sufficient confidence in recommending me for the above situation I shall be obliged by your doing it to that Department which has it to bestow— Pardon this request with best wishes for your health I remain with great esteem Very Respectfully

ISAAC THOM

1 See above, Speech, January 17, 1825, note.

APPLICATIONS, RECOMMENDATIONS November 29, 1826

SAMUEL J. HANDY, Washington, recommends, for appointment as messenger, Merrit Tarlton, who has been in Handy's employ for six years. ALS. DNA, RG59, A. and R. (MR4). Handy was a hatter, whose business was located on Pennsylvania Avenue. Tarlton, not further identified, received no appointment.

JOSEPH KARRICK, Philadelphia, refers to a call he has made at Clay's lodgings and to his letters of September 22 and October 21; notes that he has made
arrangements to go to Colombia; solicits Clay's help; and states that he will delay his departure until he has heard from Clay. ALS. DNA, RG76, Misc. Claims, Colombia.


DIPLOMATIC NOTES

November 30, 1826

From the Baron de Maltitz, Washington. Informs Clay of the Russian declaration of war against Persia. ALS, in French. DNA, RG59, Notes from Russian Legation, vol. 2 (M39, R2). Dated "le 18/30 Novembre, 1826." Cf. above, Middleton to Clay, September 17, 1826, note.

From the Baron de Maltitz, Washington. Reports, with reference to his correspondence with Clay earlier in 1826 (above, Clay to Maltitz, May 26; Maltitz to Clay, May 27), that the Emperor (Nicholas I) was pleased that the United States had used its influence toward maintaining in the Antilles the rights of Spain and the interests of the great maritime powers. States that the Emperor has approved his assurance to Clay (not found) that only a misunderstanding could have led the Cabinet in Washington to think that the Russian Minister in Madrid (Pierre d'Oubril) was encouraging Spain not to accept any accommodation with her "ancient Colonies." Asserts that d'Oubril was instructed to invite the Spanish Government to consider "seriously" the position in which circumstances placed it relative to its American provinces, "to banish . . . illusions daily more dangerous," to appreciate the reasons for the course of the United States, and, since it did not appertain to Russia to anticipate the decision of Spain, to make them known as soon as possible in order that the Russian Government might communicate them to Washington. Declares that d'Oubril executed his instructions and that an answer to the proposals submitted by him, eagerly desired by Alexander (I), had been twice requested by Nicholas—in March, when d'Oubril had been instructed to inform Spain that Russia had waited six months for the result of its deliberations on the overtures of the United States, and again, when he had been directed to inform the Court at Madrid that its last note to (Alexander H.) Everett on American Affairs "contained no answer," that "one was necessary," and that the proposal for an armistice with the American rebels "appeared . . . to offer great advantages." ALS, in French, with trans. in State Dept. file. DNA, RG59, Notes from Russian Legation, vol. 2 (M39, R2). Dated "le 18/30 Novembre 1826." Trans. published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1886-87. Cf. above, Clay to Middleton, April 21, 1826; Middleton to Clay, July 30, September 20, 1826; Everett to Clay, June 25, October 16, November 7, 1826.

INSTRUCTIONS AND DISPATCHES

November 30, 1826

From Thomas L. L. Brent, Lisbon. Reports "that the Portuguese troops that deserted to Spain have entered Portugal in hostility" (see above, Brent to Clay, September 30, 1826); that the Portuguese "government have informed the Spanish Ambassador [Count de Casa Flórez] that his functions are suspended";
that the Cortes, in secret session, reportedly agreed to solicit the aid of Great Britain (cf. below, Gallatin to Clay, December 13, 1826); and that, apparently, “the order of the Spanish government for the delivery of the arms and accoutrements of the Portuguese troops that deserted to Spain had never been complied with.” ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6).

From Robert Monroe Harrison, Antigua. Complains of the “defect, or maladministration of the Colonial Law” relative to recovery of deserters from American vessels; reports that “After tomorrow” colonial ports will be closed to American vessels. ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received January 4.

MISCELLANEOUS LETTERS November 30, 1826

From John Brockenbrough, “Bank of Virginia.” Inquires “whether it will, at any time, suit the purposes of the Government to purchase of a State bank bills of exchange” for “remittances to our Diplomatic agents abroad”; notes that “The Secretary of the Treasury (Mr [William H.] Crawford) formerly purchased many bills” from Brockenbrough’s bank; compares the Bank of the United States to “the great Anaconda,” which “threatens to involve in its deadly coils many of the State-Institutions.” ALS. DNA, RG59, Accounting Records, Misc. Letters. Brockenbrough, a physician, of Richmond, Virginia, was president of the Bank of Virginia, chartered in 1804.

APPLICATIONS, RECOMMENDATIONS November 30, 1826

L. Barchvill, “Post Master Madison C. H. (Indiana), recommends the Indianapolis Gazette to publish the laws. LS. DNA, RG59, P. and D. of L. Undated; enclosed in Noble to Clay, December 17, 1826. Barchvill (name not clear) has not been further identified. On the recommended appointment, cf. above, Ray to Clay, November 10, 1825, note.

John Berry, “P M Andersonstown” (Indiana), recommends the Indianapolis Gazette to publish the laws. ALS. DNA, RG59, P. and D. of L. Undated; enclosed in Noble to Clay, December 17, 1826. Berry, a Pennsylvanian by birth, had moved to Indiana Territory around 1800, had become a militia officer in Clark County in 1804, and had been one of the first settlers of Anderson, where in the early 1820’s, he kept tavern and served as justice of the peace.

Joseph M. Hayes, “Montezuma Post Office Parke County Inda,” certifies that the Indianapolis Gazette has a larger circulation from his post office than other Indiana newspapers. ALS. DNA, RG59, P. and D. of L. Undated; enclosed in Noble to Clay, December 17, 1826. Hayes, first merchant and postmaster at Montezuma, was elected to the Indiana House of Representatives in 1826 and to the Senate in 1831.

R. D. Johnston, “P.M West Liberty Indiana,” recommends the Indianapolis Gazette to publish the laws. ALS. DNA, RG59, P. and D. of L. Undated; enclosed in Noble to Clay, December 17, 1826. Johnston has not been further identified.

John D. Stephenson, “P.M Noblesville Hamilton Co. Ind.,” recommends the Indianapolis Gazette to publish the laws. ALS. DNA, RG59, P. and D. of L.
Stephenson served alternately as clerk of Hamilton Circuit Court and recorder of Hamilton County from 1823 until the mid-1830's.

From George Poindexter

Dear Sir.

Ashwood Place\(^1\) Decr 1. 1826.

Your highly esteemed favor of the 7th. of October, reached me in due time, and has remained unanswered in consequence of my inability to sit up, for the last six weeks. I am now scarcely able to write, which I hope will be with you a sufficient apology for this imperfect scrawl, as also, for the delay which has intervened in its transmission. My health concerning which you so kindly enquire, is not restored, and altho' I am not quite so much reduced, as when I had last the pleasure to see you in Cini.\(^2\) I am still unable to walk, and occasionally for several weeks in succession, am unable also, to sit up, and perform the most ordinary business. Next Spring I contemplate, a journey to the warm Springs of Ouchita,\(^3\) and should I improve by the experiment, in the autumn, I think of visiting the south of France, and Italy.

I perceive by the public journals that your enemies are intent upon your overthrow, and seek to effect their purpose by the most dishonorable means. These efforts are paralized [sic] by the prudent and patriotic course of the administration; by the undissembled personal character of the opposition, and the vulgarity which distinguishes the public addresses of some of the most prominent members of both Houses of Congress, by whom Mr. Adams and yourself have been assailed.

The good sense of the people must condemn a systematic denunciation, of men because they have been chosen to fill high official stations; and of measures because they emanate from these men. It is difficult, if not impossible, in a country like ours where freedom of opinion and of action are secured by the Constitution, and consecrated by usage, to Organize a Disciplined Corps who will submit to the drill of some half dozen, interested demagogues to subserv the purpose of ambition or corruption. Measures and their effects upon the welfare of the nation will generally constitute the standard by which public men will be tested in this Country, and of these each individual will prefer to judge for himself. I have been truly disgusted with the speeches, delivered in both ends of the Capitol during the last Session of Congress; such extravagant abuse unsupported by fact or reason would serve to sustain even a bad administration. I hope we shall have better manners hereafter.— I should not be surprized, if the administration continues to advance in the public estimation, every where; for I am very sure that nothing will be attempted incompatible with the public
good.— You ask, "Will Mr Reed or his opponent be elected to the Senate of the U. States?" I answer that as far as any information will enable me to form an opinion, Mr. Reed will not be chosen.— For myself, I have no particular objection to Mr. Reed's course in the Senate, (excepting always his bolting on the Panama question) tho' I see nothing in his displays to admire.— He is a feeble politician, tho' a very able Lawyer, and advocate. His mind cannot grasp a great political question and exhibit the strong views of which it is susceptible. He is, however, a sightless distance ahead of his opponent, as a man of Talents in all respects; and no doubt in a few years might figure as a Statesman of some Celebrity in the Senate of the Union. He wants firmness, and his refusal to vote on the Panama Mission was the result of that weakness;—it is the first time, I believe in parliamentary history, where a Statesman, professes not to understand the great interests of his country, and prays that his state on that particular subject may be deemed ignorant and unrepresented. I should not with my slender ability, have required more than Ten minutes to have given an affirmative vote on the question: I would have taken the reasoning in Mr Tazewell's Rept. as conclusive in favor of the Mission. As to Judge Ellis he is totally unfit for any high station: but I believe he will be elected. I could have elected Mr Reed if I had chosen to interfere in his favor, but he knows that he has put that out of the scope of possibly, unless I prostrated those high principles of honor; which I hope ever to cherish. There are reasons not of a political nature with which I have nothing to do, operating very powerfully in the community to defeat Mr. Reed. He will be rejected altho' the inferior capacity of Judge Ellis is conceded by every one.— All the talents of the State are in favor of Mr Adams, and I have no doubt that an unbiased vote of the people would be in his favor for the Presidency, but there is among a certain class of Citizens an enthusiastic ardour, in favor of General Jackson, which extinguishes the lights of reason, and argument, and moves with great stride to his support. This class of people find no fault with the administration, nor have they any particular objection to Mr. Adams, but General Jackson is their man, and to him they will adhere, at any rate for the present.— I know of but two or three persons in the State, unconditionally opposed to the Administration, one of whom has been patronized by an Executive appointment! It is a remarkable fact, that the strongest supporters of Mr Adams in the State, those who voted for him at the last Election, are the friends of Judge Ellis in his contest with Mr Reed.—

Your son Thomas has been several months in this neighborhood;—a part of the time at my House. He spoke of opening an office
at our little village of Woodville, but, he has been absent, about the month and I cannot speak positively of his intentions. I have extended to him all the attentions in my power.

Wishing you a pleasant and a successful career, through life, I add assurances of my high Consideration & respects.

Geo Poindexter

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay; postmarked at Woodville, Mississippi.

1 Poindexter's plantation, in Wilkinson County, Mississippi

2 Probably in July, 1825. Poindexter, being in the city at that time, had been invited to attend the banquet tendered Clay by residents of Cincinnati (see above, Toasts and Speech, July 13, 1825). Because of ill health, Poindexter had been unable to do so; but he had "subscribed to the dinner," had submitted a toast to "The present Administration," and, noting the criticism of Clay's appointment as Secretary of State, had asserted that he considered Clay "alike incapable of a dishonorable act in public or in private life." Lexington Kentucky Reporter, July 25, 1825, reprinted from Cincinnati Gazette, July 15, 1825.

3 Probably Hot Springs, Arkansas, in the Ouachita, Mountains, where a hotel had been opened in 1820.

4 Thomas B. Reed had supported the appropriation bill for the Panama Mission; but on the night of March 14, when the Senate had taken the decisive vote approving the nominations of the Ministers, he had asked to be excused, on the ground that he had been absent from the debate until March 11, because of illness, and had not had opportunity to study the complete record. Register of Debates, 19 Cong., 1 Sess., 341-43.

5 See above, King to Clay, March 21, 1826, note.

6 The political rivalry of Reed and Poindexter was long-standing. For comment on Clay's exchange of views with Poindexter regarding Reed's re-election, see Miles, Jacksonian Democracy in Mississippi, 12.

7 Cf. above, Boyle to Clay, October 1, 1825; below, Overton to Clay, January 30, 1827.

DIPLOMATIC NOTES

December 1, 1826

To Charles R. Vaughan. Acknowledges receipt of Vaughan's note of November 24; states that the prisoners and witnesses "have since arrived at the Port of Boston and been committed to the custody of the Civil Authority of the United States." Copy. DNA, RG59, Notes to Foreign Legations, vol. 3 (M38, R3). ALI draft, in CSmH.

INSTRUCTIONS AND DISPATCHES

December 1, 1826

From J[ohn] J. Appleton, Stockholm, no. 3. Refers to the pressure applied by European powers on the King of Sweden (Charles XIV) "in consequence of the sale of some old Vessels of his Navy to a mercantile house of this place" (cf. above, Hughes to Clay, July 8, 1825); promises to transmit copies of documents to show "the chain by which this Government was in spite of its struggles again secured to the system of the holy Alliance." Reports a conversation with the Count of Wetterstedt on the commercial relations between the United States and Sweden, with particular reference to the diminution in trade and the prospects for continued American purchases of Swedish iron. Reports also, a conversation with "the Secretary of the Cabinet the Baron of Lagerheim," who stated that his Government desired renewal of the commercial treaty with the United States, preferring the negotiations to be conducted in Sweden, and who explained certain "illiberal features" of the recently negotiated treaty between Sweden and Denmark (cf. above, Appleton to Clay, November 1, 1826).
From William B. Hodgson, Algiers. Notes the slow progress of his language studies because of lack of books; reports that, on the advice of the consul (William Shaler), he plans to resort "to Paris, and the school of Oriental languages in that University"; adds that his health provides another reason for visiting Europe; comments on the "most distressing malady" affecting Shaler (cf. below, Shaler to Clay, this date) ; states his expectation of reaching Paris in January, his "residence there," according to Shaler's wish, to "be governed by the pleasure of the President." ALS. DNA, RG59, Cons. Disp., Algiers, vol. II ( M23, R-T 13). Received April 14, 1827.

From William Shaler, Algiers. States his intention of absenting himself from his post, "next year," to seek restoration of his health; reports that he has advised (William B.) Hodgson, whose health has been adversely affected by the climate, to take "leave of absence to go and reside in Paris until he receives . . . further orders" from Clay. LS. Ibid. Received April 14, 1827.

From John Williams, Guatemala. Transmits the correspondence between (Juan Francisco de) Sosa and himself "relative to the arrest & imprisonment of Mr. [John] Marshall when on his return to the United States." Reports that "Capt. [William] Phillips" will investigate the affair further and that he, himself, has received his passport and taken leave of the President (Manuel José Arce) and other officials. ALS. DNA, RG59, Dip. Disp., Central America, vol. 1 (M219, R2). Received January 28. Cf. above, Williams to Clay, August 29, November 24, 1826.

MISCELLANEOUS LETTERS

From Mathew Carey, Philadelphia. States that the (Washington) National Journal and the (Washington) National Intelligencer have each published only a part of a series of his essays; comments on the "repugnance" of the editors "to publish any thing" favorable to the policies of the President and his administration; and requests Clay, if possible "without impropriety," to give them "a gentle hint on the Subject." Asks to borrow from Clay's office "any of the tariffs of new republics." ALS. DNA, RG59, Misc. Letters (M179, R6). Four numbers of the eleventh series of letters signed "Hamilton," addressed, alter the first one, "To Edward Livingston, Esq.," had been published in the cited journals between September 6 and November 25. Letters no. 5 and 6 were subsequently published in the Daily National Intelligencer, December 5, 22, 1826; letter no. 5, only, in the Daily National Journal, December 2, 1826. The series criticized United States tariff policy since 1816, attributed the agricultural depression of the succeeding years to the failure to provide adequate protection to American producers, and called for legislation which would "Protect the great staples of the country—wheat, cotton, iron, tobacco, wool, lead, &c. [and] Protect also the articles fabricated from them." A seventh letter was included in the separately published collection, entitled Essays Tending to Prove the Ruinous Effects of the Policy of the United States on the Three Classes, Farmers, Planters and Merchants, Addressed to Edward Living-
ston, Esq. . . . , By a citizen of Philadelphia (Philadelphia, December 11, 1826). The first letter in the newspaper series was addressed to “Amicus” and answered by a correspondent using this signature (see Daily National Intelligencer, September 13, 1826, and cf. Daily National Journal, August 11, 1826). The presumption is that he was Livingston, who had been prominent in opposition to the protective tariff policy during congressional debates on the act of 1824 (cf. above, III, 660n) and who continued to attack such proposals during the Sessions of 1827 and 1828.

To Duncan McArthur

Dear General Washington 2d. Decr 1826

I recd. your letter of the 10th. Ult. Absence &c. have delayed the completion of the business to which it related I now transmit the deed of the Southall family, properly executed I believe, with the powers requisite. And I have paid to the old lady the check of $150.2

I congratulate you on the auspicious aspect of public affairs. The result of your election and some others has put an end to much difficulty.3 I remain always Your faithful friend H Clay Genl. McArthur

ALS. DLC-Duncan McArthur Papers (DNA, M212, R22).

1 Not found.
2 The persons mentioned have not been identified; the documents have not been found.
3 Cf. above, Clay to Adams, July 25, 1826, note.

INSTRUCTIONS AND DISPATCHES December 2, 1826

From Albert Gallatin, London, no. 31. Reports “no prospect of an agreement with the British Government on the subject of a boundary line west of the Stony mountains”; summarizes the proposals made, and rejected, in the conference with the British negotiators on the preceding day; notes agreement that “nothing remained but to continue the joint occupancy for another period of time”; states that the British are preparing, for consideration, a new article concerning “that joint occupancy,” while he prefers continuing the present one. ALS. DNA, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 16. Published in American State Papers, Foreign Relations, VI, 655-56.

MISCELLANEOUS LETTERS December 2, 1826

From Borie and Laguerenne, Philadelphia. Requests aid in presenting to “the Mexican Government a very just and obvious Claim to the restoration of monies” collected “by the Collector of Alvarado,” who imposed an overcharge of import duties during the months of December, 1824, and January, 1825. LS. DNA, RG76, Mexican Claims Commissions. By endorsement (ES) Jacob Sperry and “John C. & H. W. Smith” ask “leave to make common cause with Messrs. Borie & Laguerenne in their application . . . , being largely interested in a similar claim.”
The heirs of Sperry, president of the Pennsylvania Insurance Company, were finally awarded $3,264.29 in settlement of their claims for the overcharges. John Correy Smith, a merchant of prominence in the China trade, in 1831 became a director and president of the Insurance Company of North America. The connection of the Smiths (H. W. not further identified) with the Mexican claims negotiations has not been found.

From Horace Gray, Boston. Encloses a statement showing "a . . . violation by the French Government, of the first Article of their Commercial Treaty with the United States" (of 1822). Expresses a hope that France will be required "to repay, at once, with interest, the duties . . . illegally exacted." LS. DNA, RG76, Misc. Claims, France. Gray signs "for the Executors of the will of William Gray." The enclosure explains that (earlier in the year) two vessels, carrying cotton from New Orleans, had called at Cowes, "for the purpose only of . . . ascertaining the best market," after which they proceeded to Havre, where the cargoes were sold. Because the cargoes were not accompanied by French consular certificates and the vessels had touched at Cowes, the customs officials of Havre exacted "the high or foreign duty," in excess of that "prescribed by the Treaty."

INSTRUCTIONS AND DISPATCHES December 3, 1826

From Thomas L. L. Brent, Lisbon. Notes that "The Steam boat, in consequence of some accident, having returned into the harbour," he will add to what he has "written by her" (above, November 30, 1826). States that under pressure from (Frederick J.) Lamb and "the Ministers of the other powers the King [of Spain, Ferdinand VII] issued a decree" ordering the restraint of Portuguese refugees in Spain; that the Portuguese Government considered the explanation, given by the Spanish Ambassador (Count de Casa Flöriz) in regard to this measure, unsatisfactory; and that "this government have solicited the aid of Great Britain. . . ." ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received January 14.

From Alexander H. Everett, Madrid, no. 58. Reports a good prospect that "The arrangement of the claims" will be concluded soon (cf. above, Everett to Clay, November 7, 1826); notes, however, rumors of a change of government, the determination of (Manuel González) Salmón to retire unless "some decisive and immediate change be made in the general policy of the Government in regard to Portugal," a ministerial alteration which would interfere with early completion of negotiations. Refers to the invasion of Portugal, by refugees from that country; the profession, by Salmón, that the Spanish Government is "perfectly innocent of these movements"; "a very strong remonstrance" addressed to Salmón by (Frederick J.) Lamb (cf. above, Brent to Clay, this date); and a note from Salmón "to the Ministers representing the Holy Alliance, disclaiming on the part of the King any concern whatever in the expedition of the refugees and making the fairest promises for the future." Comments that Salmón, if sincere in this statement, "has been duped by the apostolic party," which has aided the refugees and which prevails in the Council of State, and that Salmón, not improbably, "will feel himself bound in honor to retire." Predicts that, in case of "formal war between the two countries," Great Britain would aid Portugal while no power "would give the slightest countenance to Spain." Cites publication, in French newspapers, of a purported resignation "of Dr [José Gaspar Rodríguez de] Francia the Ruler of Paraguay [sic] in favor of a
Mr Guarnny," who is now in Spain; expresses agreement with the belief, held by Salmón, that the document is a forgery. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received January 29.

Francia, born in Paraguay and educated at the University of Cordoba, had been awarded a doctorate in theology in 1785 but, after dismissal the following year from a professorship at the Royal Seminary of San Carlos, at Asunción, had turned to the study of law. In 1809 he had been named a deputy to the Spanish Cortes but, again because of liberal views, had been forced to withdraw from office. As a champion of Paraguayan independence, he had been named El Supremo beginning in 1814 for a three-year term and in 1816 as dictator for life. His administration, which continued until his death in 1840, was nevertheless notable for tyrannical suppression of liberties and abuse of power. Guarnny has not been identified.

**MISCELLANEOUS LETTERS**

December 3, 1826

To [JAMES] BARBOUR. Requests "such information as will enable" Clay "to answer Mr. Mallory's letter enclosed." AN. DNA, RG107, Letters Received. Endorsed: "Answered. by Saying the Post (Governor's Island, N York harbour) would not be relinquished. Mr. Mallory's letter returned to Mr Clay—" The reference is, possibly, to Daniel Mallory; the two letters here mentioned have not been found.

Bill from S. and M. Allen and Company

[ca. December 4, 1826]

Hon H. Clay.

To S. & M. Allen & Co _________________ Dr ______

1826

Decr 4 To 1 Tt in Washington City Lottery

" " To 1 Tt in Va Dismal Swamp

" " Cr ............ recd. prize tickets amtg to $11.05

$3.95

[Endorsement] Recd payt S & M Allen & Co

May 3d 1828.

D. DLC-HC (DNA, M212, R2).

1 Ticket.

2 The Washington City Canal Lottery, fourth class (drawing), was to be held on December 27, with 12,122 prizes ranging from $10 to $50,000. Single tickets cost $10 apiece. Washington Daily National Intelligencer, December 6, 1826. Proceeds of the lottery were probably designed to support the projected Chesapeake and Ohio Canal. Charges for this and the succeeding ticket appear to have been interchanged.

3 The Virginia Dismal Swamp Canal Lottery, number four, was to be drawn at Richmond on December 6. Tickets for it cost $5 each. Ibid., December 1, 1826. The Dismal Swamp Canal, financed with Federal, State, and private funds, ran south from Norfolk to Albemarle Sound and thence by way of sea inlets to South Carolina and Georgia. It was completed in 1828. 4 AES.

**INSTRUCTIONS AND DISPATCHES**

December 4, 1826

From [J[ohn] M. FORBES, Buenos Aires, no. 43. Notes that, his right hand being incapacitated by gout, he is forced to "repose on the pen of an intelligent and
DECEMBER 4, 1826

discreet friend.” Reports approval by Congress of the Constitution, which, with “an ‘organic law,’ is forthwith to be submitted to the several Provinces.” States that conflict has broken out with Bolivia, over the province of Tarija. L, written and signed by J. Dw. Mendenhall (not further identified). DNA, RG59, Dip. Disp., Argentina, vol. 3 (M69, R4). Received April 3. Published in Espil (comp.), Once Años en Buenos Aires, 453-54.

From CONDY RAGUET, Rio de Janeiro, no. 20. Comments on the annoyances involved in obtaining the admission of supplies for the squadron under the command of Commodore (James) Biddle; asserts that the “delay was clearly intended to enforce the embargo upon Commodore Biddle's ships until after the departure of the Emperor” (Pedro I). Notes the serious illness of the Empress (Maria Leopoldina), following a miscarriage. Gives details of the detention and subsequent liberation of the brigs Flora and Constitution, both of Philadelphia; cites delay in restoring the crew of the latter vessel, against which he will protest. Reports having learned, “not however with certainty,” of a decision to release the Ruth (see above, Raguet to Clay, September 1, 1826) and having been informed that the (Brazilian) Government intends “to adopt our rule of not capturing neutral vessels, except in cases of previous warning.” ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received January 31. Extracts published in American State Papers, Foreign Relations, VI, 1047.

MISCELLANEOUS LETTERS December 4, 1826

From J[ohn] J. BORIE, Philadelphia. Transmits “a memorial from the House of Borie & Laguerenne” (above, December 2, 1826) and solicits governmental support of their claim, in which other Philadelphia merchants are also interested. Reminds Clay of an offer of “a letter of recommendation . . . to . . . [James] Brown” for Borie’s “eldest son Adolphus E. Borie,” and asks for it. LS. DNA, RG59, Misc. Letters (M179, R64). Young Borie had been graduated from the University of Pennsylvania in 1825 and now was departing for two years of study and travel in Europe. Upon his return, he joined his father’s mercantile firm and remained active in it for the next thirty years. A strong supporter of Whig and Republican Party policies he held appointment, briefly in 1869, as Secretary of the Navy in President Grant’s administration.

APPLICATIONS, RECOMMENDATIONS December 4, 1826

R[atliff] BOON, Washington, recommends Elihu Stout of Vincennes to publish the laws. ALS. DNA, RG59, P. and D. of L. Stout, born in New Jersey, had been reared in Lexington, Kentucky, and had served his journalistic apprenticeship under John Bradford. Encouraged by William Henry Harrison to establish a paper at Vincennes, he had founded the Indiana Gazette in 1804 and, when fire destroyed that venture in 1806, the Western Sun. With a number of different partners, he continued as editor of the latter journal from 1807 until 1845. At one time he had served briefly as judge of the court of common pleas and he was for many years a justice of the peace. In 1845 he became postmaster of Vincennes and in 1848, recorder. Though long identified with Harrison’s political supporters, he shifted his allegiance to Jackson when the latter emerged as a figure of national political stature. The Western Sun, which had held the contract to publish the laws of the First Session of the
Nineteenth Congress, did not again receive such patronage during the Adams administration. Cf. above, Scott and others to Clay, October 27, 1826, note.

Orlando Brown, Tusculumbia, Alabama, recommends, for appointment as Chargé "in Bolivia or some one of the South American republics." Dr. Charles Douglas, cites, as a reference for Douglas, Clay's "old acquaintance Col [John] McKinly," recently elected to the United States Senate; adds: "I have presumed to address you because if my acquaintance with yourself is too slight to justify it, I am certain that my long and intimate familiarity with your sons Theodore and Thomas would." ALS. DNA, RG59, A. and R. (MR2). Orlando was the son of John, brother of Mason, and nephew of James, Preston W., and Samuel Brown. Having been graduated from Princeton in 1820, he had studied medicine briefly under Preston and in 1822 had entered Transylvania University to study law. Graduated the following spring and licensed to practice in 1824, he was an attorney at Tusculumbia for three years, until 1829, when he returned to Kentucky. From 1833 until 1842 he edited the Frankfort Commonwealth, as a Whig journal, and for seven months in 1862 he returned to the editorial chair, as a Union supporter. He held Federal office for a year, 1849-1850, as Commissioner of Indian Affairs. On the requested appointment for Dr. Douglas, cf. above, King to Clay, June 22, 1825, note.

Joshua Lewis, New Orleans, recommends that John Nicholson be reappointed "Marshall [sic] to this District." ALS. DNA, RG59, Misc. Letters (M179, R64). Nicholson, born in North Carolina, had been active in the West Florida revolt against Spanish control in 1810. In 1817 he had been appointed principal assessor of the Second Collection District of North Carolina, and two years later he had been named marshal for Louisiana, a position to which he was regularly reappointed until 1835.

[braham] Bradley Lindsley, Washington, solicits employment as clerk or bearer of dispatches and notes that Clay may remember him "as an unsuccessful candidate two years since for the Office of Sergeant at Arms, and for assistant Doorkeeper to the House of Repts." ALS. DNA, RG59, A. and R. (MR3). Lindsley, born in New York, had been an officer in the War of 1812 and in 1823 had been named surveyor and inspector for St. Marks, East Florida. He did not receive the appointment now requested.

William L. Reaney, Boston, wishes to know whether he has obtained an appointment. ALS. Ibid. Cf. above, Van Ness to Clay, September 7, 1825, note.


Hugh L. White, Washington, recommends the Knoxville Register to publish the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, White to Clay, November 15, 1825, note.

Diplomatic Notes

December 5, 1826

From Alejandro Velez, New York. Informs Clay of his arrival to replace [eandro] Palacios as consul general of Colombia. Transmits an enclosure
DECEMBER 5, 1826

(above, Anderson to Clay, June 9, 1826). ALS. DNA, RG59, Notes from Consuls, vol. 1.

INSTRUCTIONS AND DISPATCHES December 5, 1826

From J[ohn] J. Appleton, Stockholm, no. 4. Transmits a copy of the treaty between Sweden and Denmark, alluded to in earlier dispatches (above, November 1, December 1, 1826). ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6). Received February 7.

From Albert Gallatin, London, no. 32. Transmits a draft, proposed by the British, “of the Convention . . . on the subject of a continued joint occupancy of the territory west of the Stony Mountains,” which will be considered in a conference on the following day; states that he warned (Henry U.) Addington of the necessity of submitting to Washington any new stipulations and of objection to Article II of the proposal; expects “some difficulty in settling the Protocol” of the last conference; acknowledges receipt of Clay’s dispatch of October 31; promises to ask in tomorrow’s conference whether the British intend proposing any alteration in the Convention of 1815 (see above, II, 57-59); notes his belief that the agreement should be renewed “in its present form, as originally contemplated by the instructions.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 16. Published in American State Papers, Foreign Relations, VI, 657. Article II of the British draft, here enclosed, proposed “that during the . . . Term of fifteen years neither of the contracting parties shall assume or exercise, any right of exclusive sovereignty or domain over any part of the said Country, nor form therein any establishment in support of furtherance of any such claim.”


From Condé Raguet, Rio de Janeiro, no. 21. Reports his understanding “that the decision of the lower Court has been in favour of the restoration of the Ruth, without damages and the claimants paying costs.” Believes “No appeal . . . will be made by the captors” and that the decision was dictated by “the
Government, which, it is said, has issued instructions to Admiral [Rodrigo] Pinto [Guedes], not to capture any more American vessels, without a previous warning." States that the condition of the Empress (Maria Leopoldina) is considered "almost hopeless" and that her death might "be productive of political effects of great moment. . . ." ALS. DNA, RG59, Dip. Disp., Brazil, vol. 5 (M121, R7). Received January 31. Extract published in American State Papers, Foreign Relations, VI, 1049.

MISCELLANEOUS LETTERS December 5, 1826

To Franklin Greene, Robert H. Ives, and others, Providence, Rhode Island. States, in reply to their letter of November 21, "that the subject in question has already received the Consideration of the President, and that the Chargé d'Affaires . . . , now on his way to Lima, has been fully instructed upon it." LS. RPB. See above, Clay to Cooley, November 6, 1826, no. 1. Robert Hale Ives, now age 28, the son of Thomas P. Ives, had been trained in the business affairs of the firm, Brown and Ives, and in 1824 had spent a year observing operations in Amsterdam. In later life he assumed direction of the family's interest in the business.

To James Ponbrose. Expresses "acknowledgments for the very valuable information" contained in his letter of September 20 (not found). Adds: "It will deserve great consideration, should any new endeavor be made to effect the object to which it relates." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 434 (M40, R19). Ponbrose not identified.

From August Neale, Richmond (Virginia). States that he has already addressed two letters (above, June 20, 1825; no other found) to Clay relative "to the unauthenticated depositions filed by the department of State in the Office of the Commissioner under the treaty of Ghent"; states that, if sent to him, "or the Governor" (John Tyler, 1825-1827), he could have them authenticated; and adds that he, representing "numerous Claimants," would like to know of "any negotiation with the B. Government . . . relating to their claims. . . ." ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS December 5, 1826

Jonathan Elliott, Washington, solicits appointment to publish the laws in pamphlet form. ALS. DNA, RG59, P. and D. of L. The State Department regularly issued a pamphlet edition of the laws, but the publisher during the Adams administration is not identified.

James Noble, "Senate Chamber," requests that the selection of a paper to publish the laws in Indiana "be delayed for a short . . . time"; encloses letter from George Smith (cf. above, Smith and Bolton to Clay, November 21, 1826) soliciting this appointment for the Indianapolis Gazette; and explains that the delay will permit acquisition of recommendations in support of the application. ALS. DNA, RG59, P. and D. of L.

John Test, Washington, recommends no "change in the printers of the laws" in his district; further recommends, if a change occurs, the (Centreville Western) Emporium over the (Richmond Public) Ledger. ALS. Ibid.
To J[ames] Harper

Dear Sir

Washn. 6 Dec. 1826

I have recd. your favor of the 15th. Ulto.¹ and have this day written to Col. Quarles.² I think I informed him that the bonds of Warfield & Parker were not due until 1828. The advice which he has recd. about the responsibility which he will incur, if he pays me, is not conformable to my recollection of the Law.

I will thank you to request Mr. Chinn³ to join me in the suit which you have brought for the Bank, or to institute another for me, to restrain the Heirs of Dr. Warfield from collecting and applying to their own use the purchase money which is to be paid for the land.⁴ They ought, if they intend what they profess, to assign Richardsons⁵ bonds to the [Bank] to be applied to the paymt. of their father's [note.]

Will you do me the favor to inform me [whether] Mr. Worsley's acceptance was taken up; [and if it was] transmitted to me the state of my private [account] with the Bank?

Political prospects are bright and cheering [.] Opposition is on the rapid decline.

Yr's faithfully

H CLAY

J. Harper. Esq

² Probably Roger Quarles, one of the administrators of Walter Warfield's estate. The letter has not been found.
³ Richard H. Chinn.
⁴ Walter Warfield had died March 12, 1826. Sales of his personal estate had been held from September 5 to 8, 1826, and the account of the sales filed at the December Term of Fayette County Court. Fayette County Court, Will Book H, 15-26. On November 25, 1826, the offices of the Bank of the United States had filed with the United States District Court a declaration against Warfield's heirs and executor, calling upon them to pay the Bank $9,500, for which Warfield was liable on a note dated February 28, 1820. The defendants failing to appear when the case was called at the November Term, 1827, judgment was rendered to the Bank for the stipulated $9,500, with interest dating from May 2, 1826. U. S. District Court (7th Circuit), Complete Record Book A-2, pp. 486-87.
⁵ William H. Richardson. See below, Harper to Clay, January 1, 1827.
DIPLOMATIC NOTES

December 6, 1826

From [Jose] Manuel Restrepo, Bogotá. Announces the recall of José María Salazar and the appointment of Alejandro Vélez as Chargé d'Affaires of Colombia in the United States. LS, in Sp. with trans., duplicate. DNA, RG59, Notes from Colombian Legation, vol. 1, pt. 2 (M51, R2). Received October 13. Cf. above, Anderson to Clay, June 9, 1826. Restrepo, educated as a lawyer, had become active in the Patriot cause as early as 1810 and had been a deputy to the Congress of the United Provinces of New Granada in 1814 and to the constitutional congress at Cúcuta in 1821. He had been Secretary of the Interior since 1822 and now succeeded Joseph R. Revenga as Minister of Foreign Affairs.

APPLICATIONS, RECOMMENDATIONS

December 6, 1826

John McKee, Washington, recommends (Thomas B.) Grantland and (Alexander M.) Robinson to publish the laws. ALS. DNA, RG59, P. and D. of L. Grantland and Robinson, as publishers of the Tuscaloosa Alabama Sentinel, held the contract for publishing the laws throughout the remainder of the Adams administration. Robinson in 1829 established another Tuscaloosa journal, Spirit of the Age, and in 1836 began editing still another newspaper.

INSTRUCTIONS AND DISPATCHES

December 7, 1826

To Joel R. Poinsett, no. 17. Transmits "a representation from . . . Borie and Lagueren [sic], to which . . . other American houses of the same city . . . have subscribed their concurrence," and which asks aid "to obtain the refunding of duties . . . erroneously collected . . . in the Mexican ports" (above, December 2, 1826). Instructs Poinsett, should he "find the statement . . . sustained by evidence," to give the desired official aid. Copy. DNA, RG59, Dip. Instr., vol. 11, p. 218 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R8).

From Henry Middleton, St. Petersburg, no. 67. Reports that the indemnity agreed on by Clay and Baron Tuyll, in the case of the Pearl (above, Tuyll to Clay, April 22, 1825), has been paid. States that, conforming to Clay's instructions of April 21, 1826, he "mentioned to Count Nesselrode . . . the state of inactivity to which the Commission under the Russian arbitration is reduced, & hinted the possibility of another reference to their friendly mediation"; that he "heard no objection made until lately," when Nesselrode indicated that, as a result of a confidential disclosure by (Albert) Gallatin to Count Pozzo di Borgo, in Paris, Nicholas (I) had resolved to refrain from interference; but that, he believes, "a joint application from the parties differing, would be graciously received." ALS. DNA, RG59, Dip. Disp., Russia, vol. 11 (M35, R11). Dated 25 November/7 December 1826. Received March 29. Cf. above, Gallatin to Clay, November 11, 1826.

From Beaufort T. Watts, Bogotá, no. 20. Deplores the opposition encountered by the "Administration . . . in the magnanimous mission to the Congress of American States"; notes "with sorrow" that his own "distinguished friends in
Congress" are "leaders in that opposition"; states that "even Mr. [George] Canning, has, in the language of Mr. [Joseph R.] Revenga, faithful to his friendship 'continued to divert from us, the efforts with which we are threatened,' by harrassing [sic] the means of Spain" (cf. above, Gallatin to Clay, September 4, 1826; Brown to Clay, November 29, 1826), while "The intemperate and ungenerous expressions of Senator [John M.] Berrien, & Mr. [John] Randolph towards these Republics [see above, Shaw to Clay, September 10, 1826] have been seized by the English Editors at Caracas, and in Bogota, to prejudice the government and people against our Character." Reports that he has "assumed the responsibility of communicating the character of the opposition, to all the ministers of this Government" and that (Simón) Bolivar, "in a private interview . . . expressed his pride and gratitude . . . for the talent, the zeal and interest displayed in" President Adams' "message in favour of the South American States" (cf. above, Charles King to Clay, March 21, 1826).

ALS. DNA, RG59, Dip. Disp., Colombia, vol. 1, part 2 (M-T33, R4). Received February 10.

MISCELLANEOUS LETTERS

December 7, 1826

To the Editor of the Edwardsville Spectator [Illinois]. Authorizes the Spectator to publish the laws; gives instructions. LS, printed form. DNA, RG59, P. and D. of L. Cf. above, Lippincott and Abbott to Clay, November 16, 1825, October 30, 1826. The Edwardsville journal was subsequently stricken from the list of publications authorized to print the laws of the Nineteenth Congress, Second Session; and the Springfield Sangamo Spectator, edited by Hooper Warren, was substituted.

From H[enry] C[harles] Carey and I[saac] Lea, Philadelphia. Submit, in response to Clay's request (not found), "a list of the translations of the classics"; note that the firm has "a large portion" of the works listed and will order the others from London if Clay wishes. ALS. DNA, RG59, Misc. Letters (M179, R64).

From Benjamin Grut, La Guaira. Encloses proclamations that were recently issued; informs Clay of the expectation of "some important crisis"; notes that "la Guayra is under military law" and that travel is restricted. ALS. Ibid. Cf. above, Williamson to Clay, November 25, 1826.

From Robert Oliver, Baltimore. Expresses thanks for a statement made by Clay relative to Oliver's claims on the Spanish Government (see above, Oliver to Clay, October 30, 1826); solicits "the direct and positive interference of . . . Government" in his behalf if the effort he is "now about making does not succeed." LS. DNA, RG76, Misc. Claims, Spain.

From G[ualier] C. Verplanck, Washington. Requests that documents, in the State Department, relative to the case of the Hope, be sent to himself or to Thomas R. Mercéin for transmission to (John M.) Forbes. ALS. Ibid., Buenos Aires, 1816-1849.

On December 21, Brent sent Verplanck copies of the documents, enclosed in a note which he addressed to Forbes on the same date "under a flying seal," reminding the latter of earlier instructions (not found), purportedly sent by Brent, in reference to the Hope. A copy of the letter to Verplanck is located in DNA, RG59, Dom. Letters, vol. 21, p. 440 (M40, R19); a copy of that to
APPLICATIONS, RECOMMENDATIONS  December 7, 1826

WILLIAM P. FOSTER refers to an earlier application (not found) for employment in the State Department and inquires whether his services are "yet wanted." AN. DNA, RG59, A. and R. (MR 1). Foster, a resident of Virginia, probably of Norfolk County, received no appointment.

J[ACOB] C. ISACKS, Washington, recommends (Frederick S.) Heiskell and (Hugh) Brown, editors of the Knoxville Register, Tennessee, to continue publication of the laws. ALS. DNA, RG59, P. and D. of L. See above, White to Clay, November 15, 1825, note.

JAMES B. JANUARY, Alexandria (Louisiana), refers to "Old recollections," states that he is in ill health after three attacks of "The Fever of this climate," and recommends that his partner's brother, Allen M. Oakley, be "appointed to fill the Office of Sutler at Cantonment Towson." Adds, in a postscript: "Poor prospects here for a Lawyer." ALS. DNA, RG94, Letters Received (M567, R23).

January's partner has not been identified. Allen M. Oakley had been secretary of the Arkansas Legislative Council in 1825 and was also postmaster at Hempstead Courthouse from 1825 to 1830, clerk of Hempstead County court for the same period and of Hempstead Circuit Court from 1830 to 1835, and magistrate of Hempstead County from 1835. During these years he received numerous contracts to carry the mail, but he has not been identified as sutler for Cantonment Towson, established in 1824, six miles north of the Red River and east of the Kiamichi River.

INSTRUCTIONS AND DISPATCHES  December 8, 1826

From ALBERT GALLATIN, London, no. 33. Regrets that he did not have Clay's dispatch of November 11, just received, when he wrote to (George) Canning on September 22 (cf. above, Gallatin to Clay, September 22, 1826); comments that his own reply to Canning has covered part of Clay's instruction; and promises to "prepare a note to Mr Canning containing the substance of the remainder. . . ." ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 14.

From NATHAN LEVY, St. Thomas. Encloses a newspaper containing "the Liberators proclamation" (Simón Bolivar's proclamation to Colombians, dated September 13, 1826). LS. DNA, RG59, Cons. Disp., St. Thomas, vo. 2 (M-T350, R2). Received January 16. Issued upon his arrival at Guayaquil, en route to Colombia from Peru, Bolivar's proclamation was a plea for unity.

MISCELLANEOUS LETTERS  December 8, 1826

To [SAMUEL L.] SOUTHARD. Returns an enclosure, with thanks for allowing him to read it. AN. NjP-Samuel L. Southard Papers. In the enclosure, a letter written to Southard, from Harrisburg (Pennsylvania), December 2, 1826, Simon Cameron states that, among the "Delegates to the convention which will
DECEMBER 9, 1826

assemble in your city on Wednesday next" is Joel Bailey, "the most mad Jacksonian in the state," whom he (Cameron) nominated, hoping to quiet him before agitation of "the presidential question" begins. Cameron suggests "that could be accomplished by . . . [Southard] and Mr. Clay paying him some little attention." He adds that the administration is favored by many of the State's influential men, but he is "not sufficiently sanguine to believe that the vote will not go for the 'old general'. . . ."

An adjourned session of the Chesapeake and Ohio Canal Convention, of 1823 (see above, III, 593n), met in Washington December 6-9, 1826. Clay was a delegate for the District of Columbia. Bailey, a veteran of the War of 1812 and a strong proponent of improved navigation facilities, represented Dauphin County, Pennsylvania.

APPLICATIONS, RECOMMENDATIONS  December 8, 1826

C[HRUCHILL] C. CAMBRELENG, Washington, inquires whether a consul "has yet been appointed for Para" and notes that Charles B. Allen, with whom he is "not personally acquainted," has been recommended for the post. ALS. DNA, RG59, A. and R. (MR1).

On December 9 Daniel Brent replied, stating that he was directed to inform Cambrelenq "that the Consulate of Para is vacant" and that the recommendation of Allen would "be submitted to the President." Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 437 (M40, R1). Cf. above, Corning to Clay, April 8, 1826, note.

JAMES DE WOLF, Bristol, Rhode Island, transmits a letter from a person in Sardinia, whom he does not know but with whom he has had "perfectly satisfactory" business relations, and expresses the hope that "he may succeed in his object, in obtaining the appointment." LS. DNA, RG59, A. and R. (MR1). The enclosure was a letter, dated August 17, 1826, from Fortunato Carneglias to DeWolf, seeking aid in obtaining appointment as Consul at Cagliari, in Sardinia. Carneglias, who had served as Vice Consul at this port since 1815, did not obtain the desired change of status.

ALEXANDER G. McRAE, Clarksburg, Virginia, solicits appointment to publish the laws. ALS. DNA, RG59, P. and D. of L. McRae did not receive the desired reappointment. Cf. above, Baldwin to Clay, January 25, 1826, note.

JAMES OMBROSI, Florence, solicits appointment as consul at Messina. ALS. DNA, RG59, A. and R. (MR3). Received February 7. Cf. above, Ombrosi to Clay, March 29, 1825, note.

SAMUEL SPRIGG recommends George Brent for an appointment. ALS. DNA, RG59, A. and R. (MR1). Enclosed in Brent to Clay, March 3, 1827. Brent, born in Maryland, a brother of William L. Brent, received no appointment under the Adams administration.

From Degrand and Smith

Hon Henry Clay Washington  Boston 9 December 1826

Dear Sir

In reply to your enquiry through our Mr. D. if a loan for $15
or 20,000 could be obtained here, we have to state, that if the security offered, is at a distance from this place, it cannot be effected, unless at an exorbitant rate of Interest.— Our money lenders like their security near them, & if such could be given, the Loan could no doubt be obtained at 6 pr ct. Respectfully Yr Obt Sevts

DEGRAND & SMITH

LS. DLC·TJC (DNA, M212, R13). Cf. above, II, 685-87, 876-77; III, 886. Peter Paul Francis Degrand, a native of Marseilles, France, and a resident of Boston since 1804, was a merchant and banker and, since 1819, publisher of Degrand's Boston Weekly Report, a financial journal. He became prominent as a supporter and friend of Nicholas Biddle and, in the 1850's, was active as a proponent of establishing railway and telegraph lines between St. Louis and San Francisco. Smith, his partner, has not been further identified.

From John H. Pleasants

My dear Sir, Richmond Decr 9h. 1826.

Your favor of the 5h.¹ was duly received. In reply to the last paragraph of your letter, I can only declare my belief that Mr. Randolph will not be reelected to the Senate²— What drilling may effect among the members, it is impossible to say— I have seen before now, every thing effected by it. His friends are active, though at the first of the Session, and now, evidently in a minority. I do not think the Richmond gentlemen in their hearts, (the great body of them) desire his success—nay by a portion of them, he is and always was detested. At this time, I am inclined to think that Judge Barbour will succeed him. We have taken up the opinion here, that he does not mean to return at this time.

This Legislature is not for Jackson—on the contrary, he would not get 10 votes— Of this I feel confident. The President's message has been well recd: his enemies objecting little else than that he has been whipped into moderation. Of course, they must object something [sic]. I am afraid the British business will do mischief.³

Can you comply with the enclosed memorandum.⁴ The papers are wanted by a friend of Randolph, who in giving him his vote, means to state that it is not for his preference of Gen. Jackson. He does not know that I shall apply to you, nor will I mention it. In haste, Yr frd & Obt. Sert.

JNO H PLEASANTS.

ALS. DLC·HC (DNA, M212, R2). Addressed to Clay.

¹ Not found.
² Cf. above, Watkins to Clay, September 30, 1826, note.
³ In his second annual message, December 5, 1826, Adams had traced the steps leading to the exclusion of American vessels from British colonial ports (cf. above, Gallatin to Clay, August 19, 1826), had noted that "The refusal . . . of Great Britain to negotiate leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part," and had recommended the subject to the "calm and candid deliberations" of Congress. Richardson, Messages and Papers, II, 355.
⁴ Not found.
INSTRUCTIONS AND DISPATCHES December 9, 1826

To ALEXANDER H. EVERETT. Requests him to examine (Robert) Oliver's claims and, if they appear to merit support, "to demand payment" and give other "useful and proper" help to R(icardo) Ryan. Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 218-19 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R8). Cf. above, Oliver to Clay, October 30, 1826.

From ALBERT GALLATIN, London, no. 34. States that he has not had time "to make an official application respecting the light houses on the British side of the channel of Bahama" but that Lord Melville said, in a private conversation, "that the British Government was quite disposed & thought it but just, to erect at their own expense all such as might be deemed necessary." Requests "additional information on that subject," particularly a map of which "Mr [Edward] Livingston" spoke to him. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received January 14. Extract published in American State Papers, Foreign Relations, VI, 755. Cf. above, Brent to Gallatin, June 27, 1826.

Robert Saunders Dundas, second Viscount Melville, son of Henry Dundas, was first lord of the Admiralty from 1812 to 1827, and, again, from 1828 to 1830.

MISCELLANEOUS LETTERS December 9, 1826

To H[enry] C. CAREY and [Isaac] LEA, Philadelphia. Acknowledges receipt of their letter of December 7; orders, "for the use of this Department," the volumes listed and requests them to "procure English translations of the residue, so as to complete the set . . . ." Amends the order by stating, in a postscript, that the Department already has some of the books and listing those "which alone, it will be necessary for Messrs. Carey and Lea to furnish. . . ." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 437 (M40, R19).

From JAMES LLOYD, Boston. Forwards "the acts passed at the late session of the General Assembly of Nova Scotia" (held at Halifax, beginning February 1, 1826); calls attention to those imposing duties "distinctly stated, to be in addition to those of the act of Parliament of July 1825" (see above, Rush to Clay, March 26, 1825, note); and points out that "if the Colonial Legislatures can at will levy an additional duty of 10 per cent, there is no prohibition . . . against their making it 50 or 100. . . ." Thanks Clay for the information in his letter of December 2 (not found). ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Clay to Lloyd, November 13, 1826.

From H[ooPER] WARREN, Vandalia (Illinois). Reports the transfer, September 1, 1825, of the Edwardsville Spectator to Lippincott and Abbott, who are entitled to compensation for publishing the laws of the Nineteenth Congress, First Session. ALS. DNA, RG59, P. and D. of L.

APPLICATIONS, RECOMMENDATIONS December 9, 1826

SAMUEL BELL refers to Clay's telling him "some evenings since, at Genl [Jacob J.] Brown's," that he "intended to transfer the publication of the laws . . . from the (Concord) New Hampshire Patriot . . . to some other paper"; repeats the recommendation he made to Clay at that time that the transfer he made to
the (Concord) *New Hampshire Journal*, edited by Henry E. Moore. ALS. *Ibid*. The editors of the *New Hampshire Journal* were awarded the printing contract at this time and retained it through the remainder of the Adams administration.

**Jacob Harvey**, New York, encloses an application by Reuben Harvey for appointment as consul at Cork. ALS. DNA, RG59, A. and R. (MR2). Cf. above, Cropper, Benson, and Company to Clay, November 7, 1826, note. Jacob was the nephew of Reuben and New York partner of his mercantile firm.

**Jeremiah O'Brien**, Washington, recommends appointment of the *East Port Sentinel* (Maine) to publish the laws in place of the *Bangor Register*. ALS. DNA, RG59, P. and D. of L. O'Brien, a businessman of Machias, Maine, was a member of Congress from 1823 to 1829. The change which he advocated was not made.


**James Strong**, Washington, refers to his earlier letter (above, October 17, 1826), recommending E(lon) Farnsworth as district attorney for Michigan; encloses “for the President” a letter “of yesterday” (not found) from Major (Henry) Stanton, also recommending Farnsworth. ALS. DNA, RG59, A. and R. (MR2).


**From Charcila C. D. Owings**

The Honourable Henry Clay. Dec. 10th. 1826

Sir,

The office of Marshall having become vacant by the death of Mr. Bentlou,¹ and knowing So well the influence you command, I could not refrain Soliciting your warmest Support and interest for my friend Mr. Edward Johnson for whom numbers of the citizens of Baltimore have written, and exerted their utmost endeavours:² He is a warm friend of Mr Adams and I know that one word from you to the President will gain him the office, and I can assure you that you could not bestow it on a more worthy and respectable man, and one whose popularity could command more influence at elections. I shall be all anxiety until I receive an answer, which I am convinced will be favourable, placing more dependance [sic] on your influence, than the numerous applications of all his friends—

Present my kindest respects to Mrs. Clay.
(Private) I am still in the blessed state of celibacy, and if you know any one worthy of me, let me be apprized, as I intend coming down this session— Your obdt. Servant CHARCILA C. D. OWINGS—

ALS. DLC-TJC (DNA, M212, R13). Postmarked at Baltimore. Miss Owings was a daughter of John C. and sister of Thomas Deye Owings.

1 Paul Bentalou had died earlier this day.
2 Johnson, a lawyer long active in the Democratic politics of Baltimore, a member of the Baltimore court (1805), repeatedly a presidential elector and elector of the Maryland Senate, and six or seven times mayor, did not receive the recommended appointment. No previous correspondence referring his name to Clay has been found.

MISCELLANEOUS LETTERS December 10, 1826

From JAMES COOLEY, Philadelphia. Reports that he has taken passage for Lima on a vessel scheduled to sail December 17. ALS. DNA, RG59, Dip. Disp., Peru, vol. 1 (M-T52, R1).

APPLICATIONS, RECOMMENDATIONS December 10, 1826

JOSEPH THORPE, Washington, solicits employment doing “extra writing.” Notes that he was employed for the past three years as a clerk and messenger in the office of the Attorney General (William Wirt) but resigned because of low pay. ALS. DNA, RG59, A. and R. (MR4). Thorpe, not further identified, received no appointment.

NATHANIEL F. WILLIAMS, Baltimore, recommends Thomas Finley for appointment as marshal for Maryland. ALS. Ibid. (MR2). See above, Williams to Clay, October 22, 1825, note.


To FRANCIS T. BROOKE

My Dear Sir Washington 11th. Decr. 1826

I have occasion for all possible indulgence from my friends on account of my irregularity in acknowledging and answering their esteemed favors. They will do me great wrong if, in any case, they attribute my silence to insensibility to the value of their letters. I perceive, from your’s of the 7th. inst.1 that you feel that I had neglected answering some of your prior letters. I must plead guilty and ask for mercy.

I am glad to learn that the message takes well at Richmond, or rather that it is only objected to because it is without fault.2 Political prospects are good every where to the North, East & West, and I think less gloomy to the South. In Kentucky an Adams representative has been sent from one of the two Jackson districts, vacated by the death of their members;3 and my confidence in the
support of that State to the Admon and in the re-election of Mr. Adams is entire. In Pennsa. the Govr. comes out in his Message in support of the Administration, and sanctioning the late election of President.\(^4\) In N. York the great body of both parties is with us; and I verily believe that if the Electoral law shd. even remain unaltered\(^5\) Mr. Adams will obtain every vote.

I invite your attention to the documents (of which I will forward a Copy by the mail) concerning the Colonial question.\(^6\) I think we have put G.B. unquestionably in the wrong.

Yr's Cordially & faithfully

H Clay

The Honble F. Brooke.

ALS. KyU.

\(^1\) Not found.
\(^2\) Cf. above, Pleasants to Clay, December 9, 1826.
\(^3\) See above, Clay to Southard, October 1, 1826, note.
\(^4\) Governor John A. Shulze's annual message had noted particularly “the sublime effect” of this country’s “principles and institutions . . . on a recent remarkable occasion,” when, in contrast to the strife manifest during elections in South American countries, the United States had displayed its greater experience and enlightenment. “Those who advocated and those who opposed, all sit down content, assured that the constitution will be respected and the laws faithfully obeyed.” George Edward Reed (ed.), Pennsylvania Archives, Fourth Series, V, 666-67.
\(^5\) See above, III, 476, 477n. In November, 1825, voters of New York had adopted a district system for popular choice of Presidential electors. This remained the basis on which they were selected during the campaign of 1828.
\(^6\) Same as cited above, Clay to Gallatin, November 11, 1826, note 26.

From George Barrell

The Honorable Henry Clay Secretary of State Washington

Sir, New York 11 December 1826

My relative George G. Barrell, Consul for the United States at Malaga, has sent for the National Library at Washington,\(^1\) and which he hopes will be accepted, “The complete letters of the celebrated Columbus, the correspondence, plans, discoveries &c &c”\(^2\) which were lately given by the Duke de Veragua, the only lineal male descendant of that great man.\(^3\)– It is the first time they were published, and now only for the use of the Duke’s friends.–

These books well secured in grass matting, I have handed to our Collector Jonathan Thompson Esq. who has Kindly promised to have them forwarded by mail to Washington.

Excuse this liberty, which I should not have taken, had I known any other officer of Government to whom it would have been proper to make the communication.

He has also sent for your acceptance, one frail containing Two boxes of Raisins, and two jars of grapes, directed to you, which I shall forward by the first vessel for Washington to the care of my brother Samuel R. Barrell\(^4\) who probably has the honor of your
acquaintance. With Sentiments of the highest respect I Remain
Your Hum St.

Geo. Barrell

ALS. DNA, RG59, Misc. Letters (M179, R64). Barrell not identified.

1 Cf. above, Everett to Clay, March 25, 1826, note.

2 No work by this title has been found. Two publications of Columbus documents had appeared in 1823: Memorials of Columbus; or a Collection of Authentic Documents of That Celebrated Navigator . . . (trans. from the Span. and Ital.; London, 1823), being a translation of Codice diplomatico Colombo-Americano; ossia, Raccolta di Documenti Originali e Inediti, Spettanti a Cristoforo Colombo alla Scoperta ed al Governo dell' America (pub. per ordine degli' illmi. decurioni della città di Genova, ed. by Giovanni Battista Spotorno; Genova, 1823). A Personal Narrative of the First Voyage of Columbus to America, from a Manuscript Recently Discovered in Spain (trans. from the Span., in which it had first appeared in 1825) was published in Washington in 1827. Cf. also above, Everett to Clay, March 25, 1826.

3 Mariano de Larreategui y Embrun, Duke of Veragua, head of the line recognized by the Council of the Indies in 1790 and 1793, and confirmed by the Crown in 1796, as legal heirs of Columbus. John Boyd Thacher, Christopher Columbus: His Life, His Work, His Remains, as Revealed by Original Printed and Manuscript Records . . . (3 vols.; New York, 1903-1904), III, 641.

4 Not identified.

From W[illiam] W. Worsley

Dear Sir, Louisville, 11 Decr. 1826.

Your favours of 29th Oct. and 16 Nov. have been received.1 It is true that the idea of your bribing such a man as Kendal [sic],2 or indeed any other man, is ridiculous enough; but there is no story so absurd that it will not be seized by the malignity of your enemies, and if the administration loses a friend for every lie which is put afloat by its enemies, it will certainly be left in a minority! It has been truly observed by some person, that Jacksonism seems to destroy all the finer feelings of the human heart, and it might have been added that it generally eradicates every principle of honour. Your confidence in Kendall, I have been long satisfied was misplaced. He is a political swiss. Money is his object, and he will write for that man, or that party, which pays him best. His talk about feeling grateful to you and your family is all nonsense. The fellow is incapable of feeling gratitude. "Actions speak louder than words," and his prove him to be a contemptible hypocrite. I hold it that no man can be your friend, and yet advocate the election of Jackson.

The explanation you give in relation to the letters written to Blair and White,3 is entirely Satisfactory. We have mentioned the facts in the Focus without adverting to names, and shall do the same in relation to the delay in making the appointment of District Judge.4 I have issued proposals for printing your circular to your constituents and your speech at Lewisburg, and shall put it to press as soon as I can procure copies.5 I believe with you that the success of the administration is beyond doubt, and without a great and unforeseen change, I think Kentucky is as certain to vote for Mr. Adams as Massachusetts. Information from all parts of the state
tend [sic] to confirm me in this belief. I have been informed that Kendall has lost a great many of his subscribers in the Southern part of the state since he came out for Jackson. My subscription list is rapidly increasing, and I am told that Penn's is as rapidly diminishing. Hunter has suspended his paper, so that there is now none here but Penn's and mine. The truth is, that even in this quarter, which is the strong hold of Jacksonism, a large majority of the men of intelligence are friendly to the Administration. The opposition consists chiefly, indeed altogether, of your personal enemies, restless demagogues [sic], who wish to rise to power on the shoulders of Jackson, and such of the uninformed multitude as they are able to dupe and deceive.—Dr. John Todd, of Edwards- ville, passed through this place a short time since on his way to Lexington. He stated to me that he was an applicant for the office of Register (or Receiver I do not recollect which) in Illinois. He asked me to apprise you of the fact, and to solicit your friendship in procuring him the office, if not contrary to any rule which you may have laid down for your government in such matters. Dr. Todd was taken prisoner at the River Raisin, and furnished you, I believe, with some documents on the subject of that unfortunate affair. At the last Presidential Election, he was a candidate for the office of elector in your favour, but was defeated. He is an amiable man, and I have no doubt would discharge the duties of the office which he solicits with fidelity.—I have never solicited office either for myself or friends; but as Dr. Todd asked me to mention this subject to you, I could not do otherwise than comply with his request.—My declining the appointment of Printer of the Laws has not saved me from being called a hireling, missionary [sic], &c. Even Mr. Wickliffe, in a public speech in this place, had the audacity to call the presses opposed to the election of Jackson hireling presses. I cannot but feel contempt for any man who will descend to such low and pitiful means to electioneer. It is attempted to persuade the people, that all are corrupt who will not sing Hosannas to, and fall down and worship, a mass of inflated Vanity and hypocrisy, in the shape of a man called Jackson! But it will not all do; The people are daily becoming better informed both in regard to Jackson and the administration—and when correctly informed, there is no doubt but they will do right.—Burr Harrison will probably be a candidate in this district in opposition to Wickliffe. He told me a short time since that the administration had 10 for one in Nelson, and that he thought he could be elected. Of this, however, I have great doubt. He would certainly get a great many of his relief friends who might vote for Wickliffe against an anti-relief candidate; but I am apprehensive that Wickliffe's purse would be too heavy for him, he being poor. Although W. is penu-
rious in other matters, I am told he is lavish in spending his money for the advancement of his political or ambitious Views. Have you seen W's speech in this place? It is full of sophistry, misstatements, perverted facts and every description of misrepresentation. The gentleman thinks himself very snug; but if my establishment succeeds, I will endeavour to disrobe him, and exhibit him to the people in his naked deformity.—

The election in Missouri (for Senator) will take place the 20th inst. Benton will probably be re-elected for the want of some strong man to oppose him. The conduct of this man is inexplicable to me.—Barry and Rowan have got into a difficulty from which they will not easily extricate themselves.—Though I think Green as base a wretch as ever breathed, yet I have little doubt of his telling the truth when he says that they assured him they had never seen the circular written by Crittenden, before its publication, and that they did not approve of its contents. You have no doubt seen Crittenden's publication on the subject. I mentioned the affair to Rowan before he left here, and no criminal ever had guilt more strongly marked on his countenance. But why need I say anything about these men? You know them, and you know them to have been false and hypocritical in their professions of friendship for you. They never were your friends, either personally or politically.

Should you have it in contemplation to make any change in the printers to be designated in this state to publish the laws, I would respectfully suggest the propriety of selecting the Commentator. Dana was in favour of your election, and is now a decided and efficient defender of the administration. The Commentator has a large subscription—as great perhaps, if not greater than the Argus. I do not wish to be understood as advocating a prescriptive course towards the friends of Genl. Jackson, or that appointments should be given to the friends of the administration merely because they are so:—but I really view Kendall as so destitute of principle, as to render him wholly unworthy of favour.

Our friend Smith is rather too harsh on occasions. His calling Worden Pope a disorganizing jacobin did the cause which he advocates no good in this quarter. Although Pope is malignantly hostile to you, yet he is much respected here, and by many of the friends of the administration too. The calling of hard names has no beneficial effect, and should not be resorted to lightly— I would excuse it, however, when speaking of such a scoundrel as Duff Green.

It is probable I shall visit Philadelphia the latter part of the winter. If I do, I shall have the pleasure of seeing you either on my way in or on my return.—Mrs. Worsley has been on a visit
to Lexington for a week past. Could I have anticipated how much her happiness would be abridged by being separated from her friends there, I do not think I should have removed to this place. The sacrifice to her has been very great. I am, dear Sir, very respectfully, Your friend & obt. Servant, W. W. WORSLEY

ALS. DLC-HC (DNA, M212, R2). 1 Neither letter has been found.
2 See above, Clay to Kendall, October 18, 1825.
3 Above, Clay to Blair, January 8, 1825; no letter from Clay to David White, Jr., has been found. 4 Cf. above, Worsley to Clay, November 3, 1826.
5 See above, Address, March 26, 1825: Speech, August 30, 1826. Pamphlet editions of the former have been found, one of them issued at Louisville in 1828; none has been found of the Lewisburg speech.
6 To the Frankfort Argus of Western America.
7 Shadrach Penn, Jr., born in Maryland and reared in Scott County, Kentucky, had published the Lexington American Statesman for about five years before establishing the Public Advertiser in Louisville in 1818. He remained editor of the latter journal until 1841, when he removed to St. Louis and there resumed an active career in journalism and politics.
8 William Hunter, after suffering financial losses in Frankfort, had become one of the publishers of the Louisville Gazette in the spring of 1826.
9 Cf. above, Edwards to Clay, July 18, 1825, note.
10 Todd had been captured at Frenchtown, January 22, 1813. No other reference to the documents has been found.
11 No earlier reference to the offer of an appointment has been found.
12 Wickliffe had spoken at the Jefferson County Courthouse, probably on October 21. An account of his remarks, purportedly delivered “on Saturday last,” was published in Lexington Kentucky Reporter, October 30, 1826, reprinted from the Louisville Public Advertiser.
13 Cf. above, Worsley to Clay, November 3, 1826, note.
14 See above, Clay to Hammond, October 7, 1826, note.
15 See above, Crittenden to Clay, November 25, 1826.
16 On December 22, 1826, James G. Dana acknowledged receipt of an appointment to publish the laws. ALS, in DNA, RG59, P. and D. of L. The Frankfort Commentator remained one of the organs for such publication through the remainder of the Adams administration.
17 In editorial reference to Pope’s “hatred of Mr. Clay . . . inveterate in the extreme,” Thomas Smith had asserted that Pope had no cause to dislike Clay, “except that he is not a federalist nor disorganizing jacobin like himself. . . .” Lexington Kentucky Reporter, November 6, 1826.
18 Rebecca Smith Worsley, a sister of Thomas Smith.

INSTRUCTIONS AND DISPATCHES December 11, 1826

From ALEXANDER H. EVERETT, Madrid, no. 59. Notes that the report of (Manuel González) Salmón’s resignation appears “to be groundless” (cf. above, Everett to Clay, December 3, 1826). Reports, in relation to “the affair of the indemnities,” having been informed confidentially “that the [Spanish] Government had no real intention of concluding the arrangement or at least that they would adopt every pretext for creating delay.” Encloses a copy of a note he wrote, urging Salmón to settle the question “at once by direct negotiations,” which “will probably have some effect in inducing him to attend to the subject in the Council of State.” Mentions his consideration, if “the Convention be rejected in the Council of State,” of appealing directly to the King (Ferdinand VII). Cites assurances by Salmón that the Council will take up the matter today. Comments on the strained relations between Spain and Portugal, the refusal of the Spanish Government to grant accreditation to (Luiz António de Abreu e) de Lima, “the temporary Chargé d’Affaires” from Portugal, further raids from Spain by Portuguese refugees, the expectation of the British Minister (Frederick J. Lamb) that he will be recalled, and the departure of
the French Ambassador (the Marquis de Moustier) a few days earlier. LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received February 4. The Marquis de Moustier had been recalled by his Government because he had championed the views of the Portuguese seeking to overthrow the constitutional regime. *Annual Register, 1826*, p. [256].

From E[MANUEL] WAMBERSIE, Rotterdam. Solicits a recommendation to Congress of measures to increase the compensation of American consuls abroad. ALS. DNA, RG59, Cons. Disp., Rotterdam, vol. 1 (M-T232, R1). Received March 13. Addressed to Secretary of State.

**MISCELLANEOUS LETTERS**

*December 11, 1826*

From BORIE AND LAGUERENNE, Philadelphia. Express thanks for Clay's “obliging letter [not found] to Mr. [James] Brown,” introducing the son of (John J.) Borie, and for his “prompt attention” to their memorial. ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Borie to Clay, December 4, 1826; Clay to Poinsett, December 7, 1826.

From TRISTAM BURGES, DUTEJ. PEARCE, and ASHER ROBBINS, Washington. Solicit Clay's “attention to the memorial [above, Greene and others to Clay, November 21, 1826] of a number of Gentlemen of Providence touching the new additional duties said to have been laid on American Manufactures in the New Government of Peru.” ALS by Burges, signed also by Pearce and Robbins. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Clay to Greene and others, December 5, 1826.

**APPLICATIONS, RECOMMENDATIONS**

*December 11, 1826*

JOHN BRECKINRIDGE, Baltimore, recommends “Mr. McClelland, of our city,” for appointment as marshal, asks to be presented “very kindly to Mrs Clay,” and, in a postscript, expresses a hope that “some vacancy may yet occur” for “young Winder” (cf. above, Breckinridge to Clay, October 20, 1826). ALS. DNA, RG59, A. and R. (MR3). McClelland not further identified. On the recommended appointment, cf. above, Williams to Clay, October 22, 1825, note.


GEORGE GREER, Baltimore, solicits appointment as United States marshal, Maryland District; states: “In addition to your knowledge of my Character and Standing whilst I resided in Kentucky I would beg leave to Enclose Cop'y [sic] of a recommendation to the former president of the U States. . . .” ALS. Ibid. The enclosure, not found; the recommendation was probably that dated March 1, 1824, to James Monroe, *ibid.* (M439, R7).

JAMES L. HAWKINS, Baltimore, recommends, for appointment as marshal of the Maryland District, “Genl. Shepard [sic] C Leakin of this City,” former “Sheriff of Baltimore City and County for one term (3 years)”; takes “great pleasure” in stating “that Genl. Leakin is one of the fast friends of our Present most Excellent administration & well calculated to be useful.” ALS. Ibid. (MR3). Hawkins had been for over a decade the cashier of the Franklin Bank of
Baltimore. Sheppard Church Leakin, an officer in the War of 1812, was also proprietor and publisher of the Baltimore Commercial Chronicle. He served as mayor of Baltimore from 1838 to 1840.

C. C. Jamison, Baltimore, solicits appointment as marshal for Maryland District. ALS. Ibid. (MR2). Jamison not further identified.

Charles King, New York, recommends Reuben Harvey for appointment as consul at Cork. ALS. Ibid. Cf. above, Cropper, Benson, and Company and others to Clay, November 7, 1826, note.

Christopher Van de Venter, Washington, recommends Colonel Waters, a veteran of the Revolutionary War, for employment. ALS. DNA, RG59, A. and R. (MR4). Waters, not identified, received no appointment.


To John J. Crittenden

Dear Crittenden

Washington December 12th 1826

I congratulate you, on your recent marriage & hope, that you will realize all possible happiness I received & thank you for your interesting letter. The change of the public printing, from the Argus, to the Commentator, which I have made, without adverting to other reasons, is defensible. 1st upon the part of the latter being the State printer, 2d that the Argus has drawn a line between Mr Adams, & me (bestowing unmeasured abuse on him, & practising or affecting a moderation, towards me,) which I could not honorably lend my countenance to. The post-script to your letter to the Commentator was like that which is affixed to those of ladies, the best part of it! What can Rowan & Barry now say? The session looks as yet serene, You will have observed that the Senate has remodelled all the Committees giving to the Administration, a majority in each. There could not I think be a severer condemnation, of their organization at the last Session!

I look with anxiety for news from Frankfort

Best respects to Mrs Crittenden Your cordial friend

Hon J J Crittenden HENRY CLAY

Copy. DLC-Crittenden Papers, vol. 4. Another copy, in OHi.

1 Above, November 25, 1826. 2 Both published in Frankfort, Kentucky.

To Peter B. Porter

My Dear Sir

Washn. 12th Decr. 1826

I have been uneasy about a letter which I addressed to you from N. York, as it remains unacknowledged.
The game which V. B. 2 is playing is perfectly manifest to me. He is inculcating neutrality as to the general administration, which means ultimate hostility, to be gradually approached. How can the Citizens of N. York be neutral as to measures which affect them in common with other Citizens of the U.S.? Will you suffer him again to attempt to invest himself with entire control and supreme authority?

Faithful Your friend H CLAY

Genl. P. B. Porter.

ALS. NBuHi. 1 Above, November 23, 1826. 2 Martin Van Buren.

From George Clinton Tallmadge

Honl Henry Clay New York Decr 12th. 1826

Sir

At your request 1 I have the honor to address you on the subject of procuring an appointment as Cadet for my brother Theodore B. Tallmadge. 2 I am fearfull that it will be difficult but as you have so kindly undertaken to intercede in his behalfe [sic] I hope he may succee[de] [sic]

You will have the kindness to let me hear wether [sic] there is any probability of his being appointed. I am Sir Your Most Obet & Huml Servt

Honl Henry Clay.

ALS. DNA, RG94, Military Academy, Cadet Applications, 1826-222 (M688, R45). Tallmadge, a grandson of George Clinton, has not been further identified.

1 Cf. below, Clay to Barbour, December 14, 1826.
2 Cf. above, Mrs. Beekman to Clay, June 23, 1826, note.

INSTRUCTIONS AND DISPATCHES December 12, 1826

To CHRISTOPHER HUGHES, no. 4. Acknowledges receipt of Hughes' dispatches through October 18; notes that no agreement has been reached concerning "the discrimination, made in the ports of the Netherlands, in behalf of Dutch vessels to the disadvantage of those of the United States; and that the President has referred the whole affair to Congress"; surmises that the Dutch Government "may possibly be disposed to obviate the difference which at present exists between the two Governments by proposing to adopt the principle of the Guatemala treaty [above, December 5, 1825], and some modification of the treaty of 1782" (between the United States and the Netherlands [cf. above, Gaston to Clay, August 31, 1825, note]); and adds: "In that event the President would prefer the negotiation to be conducted at Washington." Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 219-20 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R8). Extract published in American State Papers, Foreign Relations, VI, 381. Cf. above, Clay to Huygens, October 25, 1826; Huygens to Clay, November 11, 1826. Referring, in his second annual message to Congress, December 5, 1826, to the point at issue between the United States and the Netherlands, Adams had said: "... I have thought it more consistent with the spirit of our institutions to refer the subject to the paramount authority
of the Legislature to decide what measure the emergency may require than abruptly by proclamation to carry into effect the minatory provisions of the act of 1824.” Richardson, Messages and Papers, II, 552-53.

To Christopher Hughes, no. 5. Cites the act, passed “At the last session of Congress, . . . authorizing the President to cause a sale to be made of the house and lot at the Hague which are owned by this Government.” Transmits a power of attorney, authorizing Hughes to make the sale, “title papers and other documents relating to this property”; leaves to Hughes discretion “the mode of making the sale. . . .” Copy. DNA, RG59, Dip. Instr., vol. 11, pp. 220-22 (M77, R6). ALI draft, in DLC-HC (DNA, M212, R8). Cf. above, Clay to Forsyth, March 7, 1826.

From J[ohn] J. Appleton, Stockholm, no. 5. Reports having been informed by the Count de Wetterstedt of the receipt of a letter from Baron Stackelberg stating that the United States Government had sent Appleton “instructions to negotiate a renewal of the Commercial Treaty” (cf. above, Clay to Stackelberg, October 31, 1826), to which he “could only say . . ., that if instructions had been sent . . . they were still on the way.” Notes that, in response to an inquiry respecting changes in American commercial policy, he told Wetterstedt that the policy had not changed “but that the principles on which it was founded had been carried further in some of our late arrangements than . . . in our Treaty with Sweden” and “cited particularly our late Treaty with Denmark [above, April 26, 1826], which . . . placed the navigation of the two countries on a footing of perfect equality in their respective Ports.” Summarizes their conversation concerning the Swedish monopoly on the importation of salt, the reluctance of Swedish merchants “to abandon the ancient system of exclusion,” and commercial relations between Sweden and Russia. Quotes Wetterstedt as saying, with reference to the importance to Sweden of “a constant supply of wood, . . . ‘so long as she had wood she would have iron, and he hoped, Americans to buy it.’” States that “the instructions received by Mr. [François Frederic Louis de] Tarach [Tarrach] the Prussian Minister, . . . authorize him to negotiate a commercial treaty with this country, upon the most liberal principles” but to consent to restrictions, if desired by Sweden, “observing the principle of reciprocity.” ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6). Received February 7.

From Albert Gallatin, London, no. 35. Reports two conferences with the British plenipotentiaries concerning “the territory west of the Stony Mountains”; notes that the protocols of these conferences will be sent with that of the conference scheduled for December 16 and that “The questions which will be referred, for the President’s decision, relate exclusively to the joint occupancy . . . .” States that “the subject of the Convention of 1815” will be discussed at the conference on December 16. Adds that, during “some conversation on the North Eastern boundary,” the British negotiators made a suggestion “so extraordinary” that he will postpone a further report on it “until their views have been more clearly unfolded. . . .” LS. Ibid., Great Britain, vol. 33 (M30, R29). Received January 13. Published in American State Papers, Foreign Relations, VI, 658.

From Ab raham] B. Nones, Maracaibo. Reports having learned of the arrival of (Simón) Bolivar at Bogotá on November 14 and of his intention to proceed to Venezuela; notes that “All the hopes of the Country are centered in him and wherever he appears confidence is restored.” LS. DNA, RG59, Cons. Disp., Maracaibo, vol. 1 (M-T62, R1). Received January 14, 1827.
From John Forsyth. Requests, for the Committee on Foreign Affairs of the House of Representatives, "such information touching foreign affairs as the President may think it useful to have communicated to the Committee in addition to the docs. accompanying the message at the opening of the present Session of Congress." ALS. DNA, RG59, Misc. Letters (M179, R64). Cf. above, Clay to Brooke, December 11, 1826, note.

Applications, Recommendations December 12, 1826


Jacob Harvey, New York, transmits recommendation "of several Merchants of this City" that Reuben Harvey be appointed consul at Cork. AL. DNA, RG59, A. and R. (MR2). Endorsed by Clay on cover: "To be submitted to the President." The recommendation, with twenty-nine signatures, was dated December 11. Cf. above, Cropper, Benson, and Company and others, to Clay, November 7, 1826, note.

John F. Henry, Washington, recommends "Mr. McCulloch," editor and printer of the (Hopkinsville) Republican, to publish the laws. Comments that, because Hopkinsville, "the metropolis as it were of all that portion of Ky, which lies west of Tennessee," is in "a more commanding position," it is preferable to Russellville for such publication. Argues, too, that "Rotation in office, is perhaps as proper in the selection of merely ministerial agents, as in the choice of higher and more responsible persons." ALS. DNA, RG59, P. and D. of L. The Hopkinsville editor, possibly Alexander McCulloch, a local merchant, did not receive the desired contract.


To David Daggett

Dear Sir

Washn. 13h. Dec. 1826

I thank you for the Yale Catalogue; and congratulate you on the continued prosperity of that most valuable institution.

I avail myself also of the occasion to assure you of the friendly recollection which I cherish of our mutual service in the public Councils here. I am most truly Your ob. Servt.

H Clay

David Daggett Esqr

ALS. GY.
INSTRUCTIONS AND DISPATCHES

December 13, 1826

From James Brown, Paris. Encloses a copy of the speech of the King (Charles X), opening “the Session of the two Chambers.” Notes that “The attempt to impose further restraints on the press . . . excites very considerable alarm; and the uneasiness on this subject is increased by the apprehension that the measure is taken in favor of the Jesuits who have lately appeared in every province of France.” Reports that “The invasion of Portugal by a body of refugees who have received arms and money in Spain and who have proclaimed Don Miguel King with a regency of which the old Queen [Carlota Joaquina] is the head, was made the subject of a very severe note by the British Ambassador to Mr Salmon” and that “Salmon addressed a letter to the Ambassadors of Russia Austria England and France,” stating that the refugees had abused the hospitality of Spain and that steps were being taken “to prevent the recurrence of a similar abuse” (cf. above, Everett to Clay, December 3, 1826). Observes “that neither the general opinion” in Paris “nor the state of the stock market” inclines him to think “that a continental war is expected.”

From Albert Gallatin, London, no. 36. States that “The papers of to day and yesterday” contain “nearly all the information, of any importance, as yet communicated in any shape, which has led to the decisive steps at last taken by this Government in support of Portugal”; asserts that (George) Canning could have prevented “the rupture” but that “this Ministry was indisposed to the last moment to believe . . . the attack on Portugal would be or was so serious as to compel them to resort to arms”; notes a “prevailing opinion” that British intervention will “bring Spain to her senses” but that war may come; and states his intention of discussing “that subject” with Canning, “principally in reference to Cuba.”

On December 11 Canning had presented to the House of Commons a message from the King (George IV) stating that he had received from the Princess Regent of Portugal (Isabel Maria) an application, under their long-standing alliance, for aid against Spanish attack. The following day Canning had introduced a motion supporting the decision to aid Portugal and had spoken at length on the subject. The measure had been speedily approved by both Houses of Parliament before their adjournment on December 13.

From Joel R. Poinsett, Mexico, no. 62. Encloses a copy of a note, not yet answered, which he had sent to the Mexican Secretary of State (Juan José Espinosa de los Monteros) in October “on the subject of the cargo of the Ship American.” Reports that, “Knowing from experience the tardy method of transacting business in that Department, and the eager haste with which the Officers of the Customs avail themselves of every pretext to plunder the property of our Merchants,” he “solicited and obtained the direct interference of the Secretary of the Treasury” (José Ignacio Esteva) to save the cargo, already confiscated, from being sold. Urges the appointment of a consul for San Blas; notes that the United States has no consuls on the Pacific, since “The persons
appointed for those posts have not proceeded to their destination"; forwards letters recommending Alexander Forbes for the consular post at San Blas. L.S. *Ibid.*, Mexico, vol. 2 (M97, R3). The enclosed note reveals that the *American*, bound from China "to Lima and the intermediate ports," carrying "on board some articles prohibited by the custom-laws of Mexico," had "put into the port of San Blas in distress." Two recommendations, also enclosed, in support of Forbes, a British merchant at Tepic, Mexico, are addressed to Poinsett. The recommended appointment was not made.

From J[oel] R. Poinsett, Mexico, no. 63. Reports "An affray," in this city, December 10, between "soldiers of the Police Guard . . . and the Regiment of Toluca," which he would "not have noticed except to correct any exaggerated accounts that may be given of it in the United States." Encloses copies "of a note received from this government in relation to this subject" and his reply. L.S. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3).

From W[illiam] Tudor, Lima, no. 52, "Confidential." Encloses a copy of the Peruvian Constitution sworn to on December 9; criticizes (Simón) Bolivar and his followers for "overturning" the former Constitution; admits that, in view of "the character of the population . . . , & the habits & ideas in which the present generation was reared, a pure republican government & elective President seem impracticable"; concludes that Bolivar's "inordinate, insane ambition, which aims at forming an empire of more extensive limits, than any the world has known, will leave no doubt as to his motive in preparing this constitution." ALS. DNA, RG59, Cons. Disp., Lima, vol. 1 (M154, R1). Received April 26.

**MISCELLANEOUS LETTERS**

December 13, 1826

From Henry W. Conway, "House Representatives." Notes that Governor (George) Izard, of Arkansas, has left the Territory and will not return until spring; points out that, in his absence, the secretary (Robert Crittenden) "assumes the Government," and that Crittenden's commission soon will expire; suggests the reappointment of Crittenden "in time for his new Commission to reach him, before the old one expires." ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), *Territorial Papers*, XX, 324-25. Endorsed by Clay: "To be submitted to the President." Nomination of Crittenden for reappointment as secretary of Arkansas Territory was presented to the United States Senate on December 26 and approved on January 12.

From George Izard, Philadelphia. In accordance with instructions given him by the President, in granting leave of absence from Arkansas Territory, he reports his arrival in Philadelphia. ALS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), *Territorial Papers*, XX, 324.

**APPLICATIONS, RECOMMENDATIONS**

December 13, 1826


Peter Little recommends Charles Gwinn for appointment as marshal in Maryland. ALS. DNA, RG59, A. and R. (MR2). Gwinn, a merchant, was a
flour miller and had been among the first to introduce steam power for such operations.

B[ARTLETT] YANCEY, "Caswell Co. Nc.," reports having heard "that the Mission to Colombia in South America, will be reduced to the grade of Charges des affaires, and if so," he recommends for appointment to the post "Archibald D. Murphey of Orange County," North Carolina, a lawyer and former circuit judge. ALS. Ibid. (MR3). Murphey had been a State Senator from 1812 to 1818 and a judge of the Superior Court from 1818 to 1820. He did not receive the recommended appointment.

To [James Barbour]
14th. Decr. 1826

Mr Clay's Compliments to the Secy of War, with an application from an orphan grandson (George Clinton Talmadge [sic]) of the late Vice President, to be recd. as a Cadet at West point. Mr. C. recommends it to the particular attention of Mr. Barbour; and he hopes that it may be found practicable to gratify the Wishes of this interesting youth, whom Mr C. saw during his late trip to N. York.

AN. DNA, RG94, Military Academy, Cadet Applications, 1826-222 (M688, R45). Cf. above, Tallmadge to Clay, December 12, 1826.

To James Brown

My dear Sir


Your favor of the 29th. Oct. with preceding favors is recd. Mr. Gallatin\(^1\) concurs with you in the view you have presented of European politics.

The Colonial question with England again embarrasses us. We have however put her clearly in the wrong, as I think you will agree when you read the correspondence.\(^2\) Mr. Canning takes in his note of the 11th. Sept.\(^3\) grounds which betray the scornful and jealous character of his nation. My answer to that note, which is dated the 11th. Ulto., (in form an instruction to Mr. Gallatin) put us, it is believed here, on impregnable ground.

The strength of the Administration continues to increase and that of the Opposition to decline. We have this day heard of the election in Penns. of a Senator, in opposition to Mr. Ingham, in place of Govr. Findlay,\(^4\) who is well disposed. His election is considered by our friends a triumph, by our enemies, a defeat. From present circumstances I anticipate Mr. Adams' re-election with absolute confidence and by a majority of at least two thirds. In Kentucky two elections in the H. of R. have taken place to fill vacancies in two districts, whose representatives had voted for
Genl. Jackson. In one of them Dr. Henry is elected, with a declaration of his preference for Mr. Adams, and that among the late Candidates for the presidency Jackson was his last choice. In the other a Jackson [sic] was elected by a small majority.\(^5\) Kentucky is believed to be entirely safe.

An election for a Senator has not yet been held in Virginia. The spirit of opposition there was too violent, and too groundless, to last long, and accordingly it has greatly abated, but I doubt whether sufficiently to prevent Mr. Randolph's re-election.\(^6\) Different opinions on that subject are entertained at Richmond.\(^7\) In South Carolina, Judge Smith (whom Col Hayne displaced) has been elected against the combined forces of Jackson and Calhoun.\(^8\) This latter gentleman is nearly as low as ever Burr\(^9\) was.

Nanette Smith & Margarette Ross from Lexington are passing the winter with us. Mrs. Clay gives parties on every wednesday evening on which the President's drawing room is not open. The last was her first, and we had the greatest crowd, it was remarked, that had ever been seen in this City on a similar occasion.

A state of non-intercourse, like that in 1798, is gradually taking place between the political parties. I have not seen Col. Benton,\(^10\) and presume we shall not visit. On the point of the first call between the Senators and myself, I took the law and the fact as they existed with my predecessor.\(^11\) I could not change the rule without casting some censure on him. That which prevailed during his ministry is moreover really most convenient.

I have not yet been able to prepare your instructions respecting our Claims.\(^12\)

The Ladies unite with me in affte. remembrance to yourself and Mrs. Brown.

H Clay

James Brown Esq

ALS. DLC-HC (DNA, M212, R2).

\(^1\) Albert Gallatin.

\(^2\) Cf. above, Clay to Brooke, December 11, 1826.

\(^3\) See above, Gallatin to Clay, September 14, 20, 1826.

\(^4\) On December 12 the Pennsylvania Legislature had elected Isaac D. Barnard to the United States Senate. Other candidates had included Samuel D. Ingham and William Findlay. Barnard, of West Chester, a lawyer, member of the State Senate (1820-1826), and Pennsylvania secretary of state (1826), served in the United States Senate from 1827 until his resignation in 1831.

\(^5\) See above, Clay to Southard, October 1, 1826, note.

\(^6\) Cf. above, Watkins to Clay, September 30, 1826, note.

\(^7\) Cf. above, Pleasants to Clay, December 9, 1826.

\(^8\) Cf. above, III, 335; Geddes to Clay, September 7, 1826; Mitchell to Clay, November 10, 1826.

\(^9\) Aaron Burr.

\(^10\) Thomas Hart Benton.

\(^11\) John Quincy Adams as Secretary of State had rejected the "pretension . . . raised by some of the members of the Senate that the heads of Departments should, at every session, pay a first visit to every Senator." When criticism of his conduct arose, he formally announced his "principles" on the matter and made it known that he would "pay no first visit of form to any member of . . . Congress, and that . . . [he would] expect none from them." Adams, Memoirs, V, 207.

\(^12\) Cf. above, Clay to Brown, October 8, 1826.
From Thomas L. L. Brent, Lisbon. Cites a “report of the Minister of foreign Affairs (Francisco de Almeida) that, when the functions of the Spanish Ambassador (the Count de Casa Flórez) were suspended, couriers were sent to Madrid with orders to the Portuguese representative there (Chevalier de Lima) to demand “not only satisfaction but the recognition of the actual government within forty eight hours” and that the response to Lima was “that his communication could not be received, as long as the Count of Casaflorés should continue to be suspended from his functions . . .”. Notes that “It is said that Mr. Lima then transmitted to Mr. [Manuel González] Salmon the order from his government to ask for his passports in case of non-compliance with the demand: but informed that minister that he would wait to learn the result of the explanations . . . lately offered” (see above, Brent to Clay, December 3, 1826). Quotes from his letter of December 13 to (Alexander H.) Everett, stating that he doubts the ability of the Portuguese “to make a successful resistance [to invasion] without the aid of the british” and that the answer to the plea for British aid “is looked for with great impatience.” ALS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received March 8.

From Albert Gallatin, London. Forwards Thomas L. L. Brent’s dispatch of December 3, 1826, “received open . . . late last night”; reports the adjournment of Parliament; encloses the speech of the King of France (Charles X—cf. above, Brown to Clay, December 13, 1826) and “the answer of the King [George IV] to the address of Parliament . . .”; and notes a fall in “All the funds. . . .” AES. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). On verso of the cover of Brent’s dispatch. The King’s answer, dated December 13, was a formal expression of thanks for the “Concurrence and Support” of Parliament, which were seen as strengthening his hands “for the Protection of Portugal” and affording “the best chance of averting a War with Spain.”

From Beaufort T. Watts, Bogotá, no. 21. Reports a state of “Order and tranquility”; credits this to “the persevering energy of the Liberator President [Simón Bolívar]—and his determination to sustain the honor and credit of the nation—by a rigid economical course—and the almost entire disbandment of the Army and Navy—” Encloses “a Gazette containing the late decrees of Bolivar.” ALS. Ibid., Colombia, vol. 4 (M-T33, R4). Received February 10.

MISCELLANEOUS LETTERS December 14, 1826

From Benjamin Russell, Boston. Acknowledges appointment to publish the laws. ALS. DNA, RG59, P. and D. of L. One of the founders of the Boston Centinel, in 1784, Russell was editor and sole owner of that journal from 1786 to 1828. Active in civic affairs, he was a State senator in 1822 and 1825 and a member of the Massachusetts House of Representatives from 1828 to 1835. Identified since 1789 as the Columbian Centinel, the journal received contracts for publication of the laws throughout the Adams administration.

From Cadwallader Wallace, Chillicothe. Transmits a newspaper article, by an anonymous writer, “on the subject of the Virginia Military Reservation,” which “may shed some light on the subject of” his letter of December 5; notes that (Thomas) Worthington thinks (Charles) Hammond is the author, while
(William) Creiglnon (Jr.) believes it is "Judge Grimkie [sic]"; adds "that Col John Watts is the only survivor of the board of Superintendents. . . ."
ALS. DNA, RG59, Misc. Letters (M179, R64).

The enclosed clipping from the Ohio State Journal and Columbus Gazette, of December 7, 1826, concerned the jurisdictional problem involved in selecting a successor to Colonel Richard C. Anderson as surveyor general of the lands, under the Virginia military grant, argued that Virginia had transferred "the whole fee of the soil" to the United States, which accordingly held the power to make the appointment, and urged that the Ohio Legislature request transfer of the office to that State.

Frederick Grimke, born in South Carolina and graduated from Yale, had studied law and begun practice in his native State before settling at Chillicothe about 1820. He was for several years judge of the court of common pleas, presiding judge in 1829, and from 1836 to 1842 a judge on the State Supreme Court.


APPLICATIONS, RECOMMENDATIONS December 14, 1826


Thomas Ellicott, Baltimore, recommends Reuben Harvey for appointment as consul at Cork. ALS. DNA, RG59, A. and R. (MR2). Thomas, a son of Andrew Ellicott, was president of the Union Bank of Baltimore and an active proponent of international improvements.

Thomas Addis Emmet, New York, expresses regret "that professional occupation" caused him to "lose the opportunity of paying" his respects to Clay in New York; recommends the appointment of Reuben Harvey as consul at Cork; praises Harvey's family for long devotion to the welfare of the United States, including aid to Americans during the Revolutionary War; and notes that "One of them [Jacob Harvey] is settled in this City as a merchant. . . ." ALS. Ibid.

Solomon Etting, Baltimore, recommends Thomas Finley of Baltimore for appointment as United States marshal for Maryland. ALS. Ibid. Etting, born in New York, had resided briefly in Lancaster, Pennsylvania, where he had been a partner in a general merchandise firm. In 1791 he had removed to Baltimore and had begun a long and prominent career in hardware, shipping, and general commercial business. He had been elected to the first branch of the city council in October, 1826, and he later became president of that body. He was also one of the incorporators of the Baltimore and Ohio Railway. On the recommended appointment of Finley, see above, Williams to Clay, October 22, 1825, note.

INSTRUCTIONS AND DISPATCHES  December 15, 1826

From Albert Gallatin, London, no. 37. Transmits "an official note" he has received from (George) Canning. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7. The enclosure consists of a letter, with accompanying documents, informing Gallatin that, in response to an appeal for assistance, the British Government is "sending a Military force for the defense of the Territories of Portugal. . . ." See above, Gallatin to Clay, December 13, 1826.

APPLICATIONS, RECOMMENDATIONS  December 15, 1826

John Caldwell, New York, notes that (William R.) Higinbotham, United States commercial agent in Bermuda, is considering leaving his post, "unless Government will grant some equivalent for the service he is so well disposed & so capable of rendering to his country," and recommends that "means . . . be afforded to enable him to remain at his station & fulfill his official duties." ALS. DNA, RG59, A. and R. (MR2). Caldwell, of Hartford, Connecticut, was a merchant and, from the early 1790's until about 1820, had been active in banking and insurance operations. He had also served in the Connecticut Legislature for some twenty years.

David Clendenin, Baltimore, after stating that he has "resided here the principal part of the last seven years," recommends the appointment of Thomas Finley as marshal for Maryland. ALS. Ibid. A native of Maryland, Clendenin had lived in Ohio for a number of years, during which period he had engaged in iron and steel making, participated in the War of 1812, and sat in Congress (1814-1817). On the recommended appointment, see above, Williams to Clay, October 22, 1825, note.

William Cranch, Washington, recommends his son, William G. Cranch, for a clerkship in the Patent Office; notes that he himself is "much in debt." ALS. DNA, RG59, A. and R. (MR1). Young Cranch was hired for extra copying in the State Department on several occasions during the Adams administration, beginning such duty on December 21, 1826. Much later, during the administrations of John Tyler and Abraham Lincoln, he held clerical appointments in the Patent Office.

John McKim, Jr., Baltimore, recommends appointment of Reuben Harvey as consul at Cork. ALS. Ibid. (MR2). Cf. above, Cropper, Benson, and Company and others to Clay, November 7, 1826, note.


James Noble and John Test, Washington, request that "no change be made for the present year" of the Indiana papers publishing the laws. ALS. DNA, RG59, P. and D. of L. Cf. above, Scott and others to Clay, October 27, 1826, note; Boon to Clay, December 4, 1826, note.

Samuel Ringgold, Hagerstown (Maryland), states that he wrote Clay "last evening" (letter not found), soliciting appointment as marshal for Maryland; now encloses letters from Judge (John) Buchanan and himself to the President and another, from himself, to (William) Wirt; and concludes: "Having great reliance on your good feeling towards me I cannot doubt but
that with the aid of other friends I shall obtain the appointment, and be able

to make my family at least comfortable. With the united wishes of Mrs. R. for

yours & Mrs. Clays health and Happiness and kind remembrance to Margaretta [Ross]. . . .” ALS. DNA, RG59, A. and R. (MR3). Ringgold's second wife, by marriage in 1820, was Marie Antoinette, daughter of George Hay and granddaughter of James Monroe.

INSTRUCTIONS AND DISPATCHES December 16, 1826

From ALBERT GALLATIN, London, no. 38. Reports that (Sebastián) Camacho, Mexican Minister to London, has not been “received as such, this Government not recognising any from the new American States until they have concluded a treaty of commerce with Great Britain”; that Camacho has negotiated such a treaty, soon to be signed; and that this treaty, similar to that between the United States and Mexico, grants, he has been assured, “no privileges” not enjoyed by the United States. Notes that Camacho sought his advice relative to the propriety of sending a Mexican “Agent to Russia . . . to try to obtain some measure . . . to an ultimate recognition of Independence”; admits knowing “of nothing later than the Emperor's answer to the overture of the United States on that subject [see above, Middleton to Clay, September 8, 1825], and that only from hearsay”; states that he so informed Camacho, suggested to him that information on “the present disposition of Russia might be obtained through” the American Minister there (Henry Middleton), and added his own opinion “that Russia would no longer oppose the recognition of the independence,” although “it was hardly to be expected that she . . . was as yet prepared to act in open contradiction to the unfortunate and hasty declaration of the late Emperor.” Summarizes conversations with (Vicente) Rocafuerte, Mexican Chargé in London, concerning “the baneful influence which” (Simón) Bolivar's “late measures might have even on Mexico” and the possible fate of Cuba in case of war between Great Britain and Spain. Suggests that an idea, proposed by Rocafuerte, of making Cuba “independent under the joint guarantee of all the American States and of Great Britain” is worthy of consideration. Declares his intention, in his “next interview with Mr [George] Canning, . . . to speak very explicitly in reference to the occupation of Cuba by any foreign power whatever, and may perhaps ascertain what are his views as to its ultimate destinies.” ALS. DNA, RG59, Dip. Disp., Great Britain. vol. 33 (M30, R29). Received February 7. Published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1583-85.

The treaty between Mexico and Great Britain was signed in London on December 26, 1826; ratifications were exchanged there on July 19, 1827. It provided for commercial reciprocity, exchange of diplomatic and consular representatives, and reciprocal most-favored-nation status in respect to import duties. British and Foreign State Papers, 1826-1827, pp. 614-29. For reference to negotiation of a commercial treaty between Mexico and the United States, cf. above, Poinsett to Clay, July 12, 1826, note.

From FRANKLIN LITCHFIELD, Puerto Cabello. Transmits copies of his correspondence with local authorities concerning military operations and, with favorable comment, of (Simón) Bolivar's proclamation on reaching the coast of Colombia (cf. above, Lewis to Clay, December 8, 1826); notes that Colombian law relative to exports and imports has been rejected by (José Antonio) Páez but is enforced in this port; renewes his request for warships. LS. DNA, RG59, Cons. Disp., Puerto Cabello, vol. i (M-T229, R1). Received February 7.
APPLICATIONS, RECOMMENDATIONS  December 16, 1826

DUDLEY CHASE encloses a letter (addressed to Chase and dated December 9, 1826) from Norman Williams, secretary of state of Vermont, recommending Elon Farnsworth for appointment as United States attorney in Michigan. ALS. DNA, RG59, A. and R. (MR2). Williams, a veteran of the War of 1812, had been State auditor and later became a State senator, clerk of courts of Windsor County for some twenty-five years, and a professor and dean of faculty at the Vermont Medical College. On the requested appointment, cf. above, Hunt to Clay, October 6, 1826, note.

CHARCILA C. D. OWINGS refers to her letter of the “10th. ultimo” (i.e., of December 10) and refutes a “report now in circulation” concerning Edward Johnson’s health. She writes: “I, who am residing with him can assure you . . . that” the report “is without foundation” and that Johnson’s health is “much better than for the past 7 or 8 years, and . . . is rapidly improving.” ALS. DNA, RG59, A. and R. (MR2). Johnson died in April, 1829.

INSTRUCTIONS AND DISPATCHES  December 17, 1826

FROM ALEXANDER H. EVERETT, Madrid, no. 60. States that, during the last winter, the Baron de Koenneritz, Minister from Saxony to Madrid, sought his advice concerning “the establishment of Saxon Consulates in the . . . United States”; that, at the Baron’s request, he obtained from “Charles Augustus Davis, . . . of New York, Senior partner in the house of Davis & Brooks, and a personal friend,” agreement to accept a consular appointment; and that he has learned, to his surprise, from Albrecht, the Baron’s successor in Madrid, “that a Consul had lately been appointed for New York but that Mr Davis had been passed over in favor of a Mr. [Frederick Augustus] Mensch,” a Saxon. Declares that, in his opinion, “the Saxon Government . . . bound in honor to give” the appointment to Davis and that he considers his “own reputation” involved. Encloses a copy of a note to Albrecht, requesting “him to propose to his Government a reconsideration of this appointment.” Suggests that the President withhold recognition of Mensch as consul, “should he apply for it,” until Everett can inform Clay of “the final decision of the Cabinet of Dresden.” LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received February 17.

Julius Traugotte de Koenneritz from 1843 to 1848 headed the Saxon Cabinet. Albrecht has not been further identified. Davis and his partner, Sidney Brooks, were iron manufacturers, the former being widely known also as a financier, appointed a director of the Bank of the United States in 1829, and later as author of Major Jack Downing’s Letters (New York, 1834). Mensch, not further identified, retained the consular appointment at New York for a number of years, but Davis was named consul-general through the same period.

FROM JOHN G. A. WILLIAMSON, La Guaira. Reports his continued uncertainty relative to submitting his credentials; states that he is awaiting the arrival of (Simón) Bolívar but, meanwhile, has asked Beaufort T. Watts to consult the authorities in Bogotá about acceptance of his commission; urges negotiation of a convention under article 30 of the Treaty with Colombia; notes that civil war is still imminent. ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Received January 20. Extracts published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, II, 1306-1308.

Article 30 of the Convention with Colombia (see above, Clay to Salazar,
March 21, 1825) called for a supplementary arrangement to “declare specifically
the powers and immunities of the Consuls and Vice Consuls of the respective

MISCELLANEOUS LETTERS

December 17, 1826

To [JOEL] R. Poinsett. Presents the bearer, “Mr. C. W. Stokes,” who “has been
introduced to” Clay “by Genl. Lafayette” (letter not found). Quotes Lafayette
as saying, “he is an associate to the unfortunate house of Gold Smith & Co.
[B. A. Goldschmidt and Company] who is going to the U. S. to settle important
mercantile affairs, and may have, it is said, occasion to apply to the General
Government.” ALS. PHi-Dreer Collection.

APPLICATIONS, RECOMMENDATIONS

December 17, 1826

SALEM Dutcher, Jr., Albany (New York), recalls having been introduced to
Clay, “about a year since, at Washington”; solicits employment as “a messenger
to London, or . . . to any other European court”; and gives assurance that his
“politics are in favor of the present national administration, . . .” ALS. DNA,
had achieved some distinction for An Oration Commemorative of the Birth of
Washington, Delivered at the Baptist Church, on the 23d of February, 1824
(Albany, 1824). He received no appointment.

JAMES Noble, Washington, transmits recommendations that the Indianapolis
Gazette be authorized to publish the laws; urges, “decidedly,” himself, that this
journal be selected. ALS. DNA, RG59, P. and D. of L. The enclosures include
letters, above, from Slinkard, November 21, 1826; from Ray, November 29,
1826; from Stephenson, November 30, 1826; from Barchvill, from Berry, from
Hayes, and from Johnston, all ca. November 30, 1826.

S[AMUEL] SMITH, Washington, transmits a letter (addressed to Smith) from
W(illiam) Wilson and Sons; notes that “the father is dead. but the firm is kept up
—the writer Mr. James Wilson is a Gentleman of high respectability”; recom-
mends “every respect to be paid to the recommendation of Mr. Wilson.” ALS.
DNA, RG59, A. and R. (M531, R4). Endorsed on cover: “. . . with a letter
recommending R. Harvey as Consul at Cork.” James Wilson continued the
firm’s activity as shipping merchants into the 1840’s. He was also a director
of the Bank of Baltimore and president of the Baltimore Board of Trade. On
the requested appointment, see above, Cropper, Benson, and Company and
others to Clay, November 7, 1826, note.

To James Lloyd

Dear Sir (Confidential) Washn. 18h. Decr. 1826.

I transmit you by the Mail the Speech of Mr. Huskisson which
you were good enough to lend me.¹

You will have read the documents concerning the Colonial trade.²
Our friends here, I believe without exception, are perfectly satisfied
with the course of the Executive Government. The Opposition has
no ground to stand on, in respect to that affair. Yet, if they make battle at all this Session, I think it will be on that subject.

What is to be done to meet the British order? To remain as that order has left us is impossible.

Three courses present themselves:

1. To exclude from our Ports British vessels coming from Colonial ports into which our vessels are not admitted, leaving open the ports of Nova Scotia &c which the order leaves open.

2. To shut our ports against all British vessels, coming both from the B. W. Indies and the ports of N. Scotia, New Brunswick &c—and

3. To interdict all intercourse with both the B. W. Indies and the B. North American possessions.

The first measure has the objection of playing exactly into the British hands.

The second would give the carrying trade to third powers (Denmark for example &c) and G. Britain would acquiesce in that state of things, preferring [sic] that they rather than we should have it.

The third is the stronger and I think the best measure—It will be most felt by the Colonies. It puts an end to the trade itself, not merely to the navigation (British & American) concerned in it. The only difficulty about the measure is whether we can bear it.

I am, with great respect, Your ob. Servt.

H. Clay

James Lloyd Esq

ALS. DLC.

1 See above, Lloyd to Clay, November 1, 1826.
2 See above, Clay to Brooke, December 11, 1826.
3 See above, Gallatin to Clay, August 19, 1826.

From Joseph D. Hamilton


Dr. Sir, Rock Cave Logan County Decr. 18. 1826.

You may be a little surprised, that, one, with whom you are no better acquainted than with me, should write to you on such a subject. as I am now about to address you— I have frequently seen you, having been raised in the neighbourhood of Lexington, yet, have been but seldom in your Company— The last time, I think, that I had that pleasure was a part of an evening at the House of our friend J. J. Crittenden in Frankfort, previous to the last Presidential Election— And, indeed, it would not be astonishing if you should not have a distinct recollection of me, for you could not be expected to recollect every one, to whom you have been introduced, and in whose Company you have been—

However, the great solicitude which I feel, and the deep Interest
which I have in this business, must be my apology for this Communication— Your extensive influence, and great efficiency in accomplishing whatever you undertake make me very desirous to interest you so much as to examine into this matter, and thereby, I hope, we will obtain your aid in support of our Claim—

The Govt. U. S. obtained a Judgment for upwards of 5000 dollars, with several years interest, against Amos Edwards,\(^1\) late Collector of the 6th. Collection Dist. of Ky. & his sureties— Edwards is entirely insolvent—quite unable to pay anything— Three of his sureties died, some time ago, insolvent, and the other three William W. Whitaker, James Wilson\(^2\) & myself, will certainly have the debt to pay, unless releived \([sic]\) by Congress, whom we have petitioned to exonerate \([sic]\) us from the whole debt\(^3\)—

Our Petition, which contains the ground of our claim, the facts relative thereto, the evidence and all our papers are in the possession of Col. F. Johnson the member from this dist. to whom I humbly ask you to apply for an examination of those documents and for his information on the subject—

[Explains his own financial circumstances; asserts that, by the exercise of the proper diligence, the government could have satisfied its claim from property owned by Edwards "long after he was a defaulter"; requests Clay to look into the matter and, if he consider the petition just, to use his influence in its behalf.]

For surely we have an equitable, if not a Legal Claim for exoneration— Shall I, notwithstanding your press of business, expect to hear from you concerning this matter?— With due consideration I am, dear sir, Your mo obt. Jos. D. HAMILTON

ALS. DLC-HC (DNA, M212, R2). Postmarked at Russellville. Endorsed by Clay on verso: "Answd. 20 Jan. 1827." Answer not found. Hamilton had been a pioneer settler of Russellville, schoolmaster and principal of an early academy there.

1 Edwards, who had been a trustee of Russellville for several years early in the 1800's, had been named collector in 1813. He moved from Kentucky to Texas in 1828 and in 1830 received a tract at Davis' Point, on Galveston Bay, under the Stephen F. Austin grant.

2 Also a pioneer settler of Russellville; in 1825 a member of the Kentucky House of Representatives.

3 The petition had been presented to the House of Representatives on December 8, 1826. After an unfavorable report on the claim in February, 1828, the issue was reopened later that spring and finally resulted in passage of an act, dated April 5, 1832, allowing a credit, with interest, covering the bulk of the claim. U. S. H. of Reps., Journal, 20 Cong., 1 Sess., 358, 583; 6 U. S. Stat., 484.

DIPLOMATIC NOTES December 18, 1826

From [C. D. E. J. BANGEMAN] HUYGENS, Washington. Transmits, in answer to Clay's request (not found), a copy of "the Official Journal" (Journal de Bruxelles) containing regulations for "the Navigation on the Rhine"; also encloses another copy of the paper containing a regulation declaring Curacao a free port. ALS. DNA, RG59, Notes from Netherlands Legation, vol. 1 (M56, R1).
INSTRUCTIONS AND DISPATCHES

December 18, 1826

From John Cuthbert, Hamburg. Acknowledges receipt of Clay’s letter of September 26; states that, since the French Minister has received no instructions in the matter “and the Magistrates of Gluckstadt” refuse to intervene, he is endeavoring to send Lewis Anthony Humbert and “the principal witness,” Charles Cowan (seaman), to the United States; apologizes for failing to date his “letter of the 19th. July.” ALS. DNA, RG59, Cons. Disp., Hamburg, vol. 3 (M-T211, R3). Received March 23. The French Minister at Hamburg in 1826 was Marandet, not further identified.

From Alexander H. Everett, Madrid, no. 61. Recalls informing Clay, in his dispatch of December 11, “that the affair of the Indemnities was to be considered on that day in the Council of State”; reports having learned from (Manuel González) Salomón “that it was in fact taken up . . . and . . . referred to a Committee”; thinks “it best . . . to acquiesce . . . in the course which the negotiation is now taking and which though slow appears to be favorable”; encloses copies of “an informal note” he addressed to the Duke del Infantado in this connection and of a note from Salomón declining to make “any change in the course which the business is now taking . . .” Reports relations between Spain and Portugal “still in a state of suspension [sic]”; that “the army of refugees seems to be making progress” in invading Portugal, where “The frontier provinces . . . are in a state of insurrection”; and that “there seems to be very little hope of success for the Constitutional party” without prompt aid from Great Britain. Asserts that “There is . . . much reason to suppose that Great Britain has been throughout this business the dupe of the superior finesse of the Continental Statesman”; and that “The whole series of events serves to shew that Great Britain is no longer as respects the Continent a leading state.” Notes, in a postscript, having learned, “on good authority,” that on the fourteenth (Frederick J.) Lamb received “a positive order to demand his passports and quit the country” but later, on the same day, received a second dispatch, sent after receipt in London of Salomón’s note of (November) 28 (cf. above, Brent to Clay, December 3, 1826), countermanding “the first order and” instructing “him to exact of this Government some satisfactory guarantee of their future conduct.” ALS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received February 17.

From John G. A. Williamson, La Guaira. Notes reliable evidence that (Simón) Bolivar is on his way; states that the people look to him for the restoration of “credit, confidence and order.” ALS. DNA, RG59, Cons. Disp., La Guaira, vol. 1 (M84, R1). Received January 16.

MISCELLANEOUS LETTERS

December 18, 1826

To Edward Everett. Expresses Clay’s obligation to Everett for “his kind suggestion to Mr. [Charles] Miner in relation to his proposed resolution on the subject of the B. Colonial trade.” States a preference “that it might be deferred until Monday next, as there is no necessity for an immediate decision.” AN. MHI.

Reference has not been found to any discussion between Everett and Miner relative to the latter’s proposed resolution on the British colonial trade. On December 12 Churchill C. Cambreleng had presented to the House of Representatives a resolution calling upon the Secretary of the Treasury (Richard
DECEMBER 18, 1826

Rush) to supply information concerning that trade. Miner had offered a substitute resolution requesting more detailed data, correlated to the history of British trade restrictions, information which Cambreleng pointed out might better be supplied by the Secretary of State. Miner had thereupon withdrawn his alternative proposal and the Cambreleng resolution had been adopted. Register of Debates, 19 Cong., 2 Sess., 529-30.


From JOE PALMER, "No. 17 Maiden-Lane," New York. Requests payment for Clay's "subscription to the Am. Mo. Magazine, edited by Dr. Mc.henry [sic]; regrets "that the want of patronage caused its dissolution." ALS. DNA, RG59, Accounting Records, Misc. Letters. Palmer not identified. The American Monthly Magazine had been founded in 1824 by James McHenry, an Irishman, trained in the Presbyterian ministry and as a physician prior to his coming to America in 1817. In this country McHenry published a number of minor literary works, including some poetry, and reviewed poetry for the American Quarterly Review. His effort to establish the American Monthly Review had terminated in less than a year. He held appointment as consul at Londonderry from 1843 until his death in 1845.

From SAMUEL L. SOUTHARD, "Navy Department." Transmits "an extract of a letter from Capt'n. B. V. Hoffman to Commo. Jas. Biddle, which contains all the information in this Department respecting the American Brig Wethered." LS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure, dated "Off MonteVideo, August 26th. 1826," Hoffman states that among three American vessels, "captured by the Brazilian Squadron" and released on his "interceding in their behalf," was the "Brig Wethered . . . of Boston, and last from Canton, bound to Buenos Ayres."

APPLICATIONS, RECOMMENDATIONS December 18, 1826

JOHN BARNEY, Washington, transmits "a letter received from Richard [H.] Douglass Esq. a wealthy influential and intelligent Merchant of our City [Baltimore], . . . who is animated by a sincere desire to strengthen the present Administration in the confidence and affection of his Countrymen." Adds: "I . . . feel assured that it is only necessary to apprise you of the fact, that a native born Citizen, highly recommended for capacity and integrity, is desirous of succeeding a Foreigner of equivocal character as American Consul in the Port of Campeachy, to ensure the accomplishment of my friends wishes." ALS. DNA, RG59, A. and R. (MR1). Endorsed on cover: "Encloses R. H. Douglass' letter Recommending John L. McGregor, as Consul at Campeachy." Cf. above, Smith to Clay, March 18, 1825, note; Poinsett to Clay, June 17, July 12, 1826.

PETER LITTLE, House of Representatives, transmits enslosures "to be laid before the President." ALS. DNA, RG59, A. and R. (M531, R4). The enclosed
documents, dated December 16 and 17, respectively, from D(avid) M(eredith) Reese and T. L. Murphy, Baltimore physicians, certify that Edward Johnson is physically able to fill the office he solicits from the government. Dr. Reese, born in Philadelphia and graduated in 1820 from the Medical Department of the University of Maryland, later removed to New York, where he practiced extensively and was for several years chief physician at Bellevue Hospital.

James Noble and John Test, Senate Chamber, request delay in selecting a newspaper at Indianapolis to publish the laws. They favor the Indianapolis Gazette; but, since the State legislature is in session, they urge a delay “till the voice of those who urge that the Gazette may be selected, can be heard.”

ALS. DNA, RG59, P. and D. of L. Cf. above, Ray to Clay, November 10, 1825, note.

S[amuel] Smith, “Capitol Hill,” transmits a letter from Samuel Ringgold; adds his recommendation of Ringgold for the appointment. ALS. DNA, RG59, A. and R. (M531, R7). The enclosure was a letter from Ringgold to Smith, dated December 15, 1826. On the recommended appointment, see above, Williams to Clay, October 22, 1825, note.


To Charles R. Vaughan

The Right Honourable Charles R. Vaughan
Envoy Exy. & Minister Pleny. from Great Britain.

Sir, Department of State, Washington 19th. Decr. 1826.

[Upon receipt of Vaughan’s note of October 23, Clay directed the United States district attorney for Maine to investigate the “alleged rescue of the British Schooner Hero”; he now transmits a copy of the attorney’s report, with “copies of certain depositions . . . .”]

From these documents it appears that the seizure of the Hero was made by a British Custom House Officer, within the jurisdiction of the United States; and that she was afterwards surrendered to her Owner, without any resort in fact to force, and without any intention to employ it. Such being the state of the case, you will perceive that it furnishes no occasion for any interposition of the American Government to prevent, in future the forcible rescue of Vessels when lawfully seized under British Authority. But it does shew the necessity of some interposition on the part of the British Government to prevent, in future, violations of the jurisdiction of the United States. And it is confidently expected that the proper preventive remedies will be accordingly applied.

I pray you to accept assurances of my high Consideration.

H. Clay.
INSTRUCTIONS AND DISPATCHES December 19, 1826

From Heman Allen, Valparaiso, no. 45. Refers to his earlier dispatch (above, May 4, 1826) concerning supplies for the United States “Squadron on this station”; notes that he has sent to the navy agent there (Michael Hogan) a copy of the Chilean regulation on this subject, “to the end, that a compliance with its provisions, might supersede the necessity, of further applications for indulgencies [sic], in such cases”; and encloses copies of recent correspondence with Hogan, which “show, how far . . . expectations have been realized. . . .” ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R.2). Received April 4.

The enclosures reveal that, at Hogan’s request, Allen obtained from Chilean officials an extension of time, to avoid payment of full duties, on supplies deposited for the use of the American squadron. At the same time Allen warned “that such arrangements should exist as will preclude the necessity of similar applications for indulgences” in the future.

From Thomas L. L. Brent, Lisbon. Cites reports of two engagements between Portuguese troops and invaders, in which the latter were repulsed; notes arrival of “a steam boat . . . from England” bringing “the King’s speech respecting the aid to be given to Portugal” (see above, Gallatin to Clay, December 13, 1826, note); and adds: “we understand that troops have been already embarked for Portugal.” ALS. Ibid., Portugal, vol. 7 (M43, R6). Received March 8.

APPLICATIONS, RECOMMENDATIONS December 19, 1826

Rufus Easton, St. Louis, recommends the appointment, as Indian agent, of Nicholas Hansen, of Illinois, lawyer and former member of the legislature of that State, who studied law at Albany (New York). ALS. DNA, RG59, A. and R. (MR2). Hansen had been elected to the Illinois General Assembly in August, 1822, unseated the following February, when it appeared that his vote on the question of calling a constitutional convention would not accord with majority sentiment in the assembly, and re-elected in August, 1824. He had resigned the following year. He did not receive the recommended appointment.

To N[icholas] Biddle

Washington 20th. Decr. 1826

Dear Sir (Confidential and Inofficial)

I transmit you herewith a letter¹ from Mr. Vaughan, the British Minister, in which he expresses a wish to raise a sum of money by the sale of Government bills. The sum specified by him is one half of the amount of a gross sum which the B. Governt. has stipulated in a convention just rec’d to pay to that of the U. S. in full satisfaction of claims for slaves and other property taken away in contravention to the Treaty at Ghent.² The Convention
SECRETARY OF STATE

will be submitted to the Senate this day, and may be expected to be ratified in the course of the present week. The payment is to be made within twenty days from the day on which Mr. Vaughan is officially notified that the Convention is ratified on the part of our Govt. The other moiety is to be paid on the first of August.

If the Bank negotiates the bills the amt (the Convention being ratified) will be passed by Mr V. to the credit of the U. S. It will probably be drawn out as awards shall be made by a new Board to be constituted by Congress. And from the course of the business no such award can be made for two or three months to come. There is every probability (altho' you are not to understand me as creating any obligation to that effect) that the greater part if not the whole sum will remain in the custody of the Bank for several months. Upon the whole I consider the transaction as one very advantageous for the Bank, if it choose to negotiate the bills.

Your's with great respect

H Clay

N. Biddle Esq. &c. &c. &c.

ALS. NjHi.

1 Not found.
2 See above, Gallatin to Clay, November 13, 1826.
3 President Adams submitted the convention to the Senate on December 20, and it was approved by that body on December 26. U. S. Sen., Executive Journal, III, 545-46. Cf. also, below, Clay to Vaughan, December 27, 1826.
4 Cf. below, Vaughan to Clay, January 9, 1827.
5 Under the statute the board was scheduled to meet first on July 10, 1827, in Washington. 4 U. S. Stat., 219-21 (March 2, 1827).

INSTRUCTIONS AND DISPATCHES

December 20, 1826

From J[ohn] J. Appleton, Stockholm, no. 6. Transmits, "At the request of this Government, . . . an official copy of the treaty of commerce and navigation" recently concluded between Sweden and Denmark (see above, Appleton to Clay, November 1, 1826). ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6). Received March 11.

From Albert Gallatin, London, no. 40. Encloses protocols of the six conferences following the first (cf. above, Gallatin to Clay, November 25, 1826), the British "projet of a Convention for the continuance of the joint occupancy of the territory West of the Stony mountains," a "statement of the claims and views of the British Government," and Gallatin's "Counter Statement." Observes that "The negotiation, for agreeing to a definitive boundary line in that quarter, has for the present failed, and may be considered as terminated." Alludes to the question, "whether there is any advantage in a renewal and continuance of the joint occupancy and, if so, for what term," and "to the additional conditions, which they [the British] consider as explanatory of, and in conformity with the original agreement." Expresses belief that the British "have certainly no other immediate object than that of protecting the North West Company in her fur trade." States that British national pride "was sorely wounded by that part of the late President's message [the Monroe Doctrine], which declared that America was no longer open to European colonization. This was new doctrine and was considered as dictatorial, and as hinting too, with no favour-
able intentions, to the existing British Colonies.” Adds that the committee report to the House of Representatives at the last Session of Congress (see above, Gallatin to Clay, November 5, 27, 1826) “gave great fresh & additional offence” and that he thinks an “arrangement” might have been reached “had it not been for those causes.” Adds that “The North West Company is also very inimical and has no inconsiderable weight.” Comments on details of the enclosed documents, noting possible American actions to which the British would object. Asserts that “the important point is to agree on the acts which may or may not be done during the joint occupancy” and requests “comprehensive and explicit” instructions on these matters. Asks, also, “the President’s opinion” on the suggestion, viewed unfavorably by the British but possibly to be received “as a last alternative,” that areas of “exclusive sovereignty” be defined, “leaving between them debatable ground of joint occupancy and sovereignty . . .” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 4. Published in American State Papers, Foreign Relations, VI, 658-59.

MISCELLANEOUS LETTERS

December 20, 1826

From DANIEL P. COOK, Washington. Transmits, for “the Committee of Ways & Means,” a resolution of the House of Representatives and requests of Clay “a statement of the amount, if any that has been ‘liquidated by the Secretary of State’ and found due to the persons mentioned in the resolution with such other information in relation thereto, as can be furnished from the Department of State, showing the necessity of making any apportion [sic], of the Character required by the resolution.” ALS. DNA, RG59, Misc. Letters (M179, R64). Endorsed on verso (AES): “Referred to the Fifth Auditor for his report in compliance with the within. H Clay 22d Decr.” Cf. above, Brent to Clay, May 3, 1826.

APPLICATIONS, RECOMMENDATIONS

December 20, 1826

JOSEPH KENT, Annapolis, recommends Captain (William) Gassaway Sanders, an officer, and a prisoner of the British, during the War of 1812, for a clerkship. ALS. DNA, RG59, A. and R. (MR3). Sanders, a native of Maryland, received no appointment. He later moved to Florida, where, during the second Seminole War, he was a sutler for the Army and was wounded while serving as leader of a group of friendly Indians. He was a resident of the District of Columbia at the time of his death, in 1845.

RALPH LOCKWOOD, New York, solicits appointment as Chargé to Colombia, which would afford him “the leisure” needed to complete a work he has had “sometime in progress—viz. A History of our Country from the Adoption of the Constitution to the present moment.” ALS. Ibid. Lockwood’s book appears not to have been published; he did not receive the desired appointment.

J[ohn] SLOANE recommends John (E.) Frost, a Washington lawyer and claims agent, for appointment as bearer of dispatches. ALS. Ibid. (MR2). Frost received no appointment under the Adams administration but was named by President Jackson as secretary to the board set up to carry into effect the French claims convention of 1831.
INSTRUCTIONS AND DISPATCHES

December 21, 1826

To Joel R. Poinsett. Refers to the seizure, at Alvarado, of "a valuable parcel of Wax belonging to the respectable mercantile house of Messrs. Howlands at New York"; cites documents proving the wax to be of Russian, rather than Spanish, origin; and instructs Poinsett to give "official aid in procuring the restoration of" the property and "damages for its unlawful seizure and detention. . . ." Copy. DNA, RG59, Dip. instr., vol. 11 (M77, R6). Cf. above, Howlands to Clay, December 18, 1826.

From Albert Gallatin, London, no. 41. Expresses belief in probability "that the Convention [of 1815 (above, II, 57-59)] will ultimately be renewed without alteration"; explains that "The distress of the Country [see above, Hughes to Clay, June 14, 1826, note] is by many . . . ascribed to the removal of restrictions in the navigation laws which Mr [William] Huskisson has already effected [see above, Clay to Carey, June 6, 1825, note], and he is apprehensive that this is not the proper time to carry on further the system of enlargement." Notes "two enactments" of which the British complain: "that of South Carolina relative to seamen of colour" and "the law of Congress which imposes a different rate of duty on rolled than on hammered bar iron." Adds that the British consider the latter measure discriminatory, "since the roiled iron is, it may be said exclusively, a British manufacture." Warns of the possibility that, "If a difference of duties can be made, on account of the different manner in which the article is manufactured or prepared for market, Great Britain may justly lay a higher duty on our clean upland cotton than on the unclean which comes from the Levant, from Egypt or from India." States that the United States has, "on the other hand, some reason to complain of certain duties laid in London on foreigners . . . in the name of scavage. . . ." Reports that he proposed, informally, a provision for "general admission without exception either as to the place of which the article was the produce, or as to that from which imported or to which intended to be exported," to which Huskisson replied that "he could by no means agree to such a condition." Suggests that "The proposition he [Huskisson] might make in its utmost latitude would be, that vessels of the United States coming from the United States should be permitted to bring into Great Britain, on the same terms with British vessels, articles not the produce or manufacture of the United States, excepting always the produce and manufacture of the British Colonies and possessions abroad (East Indies &c) of China, and perhaps of all Countries beyond the Cape of Good Hope." Emphasizes that a decision must be made on this proposal, that the same privileges and exceptions would be allowed "to British vessels in the United States"; and that he believes the arrangement will prove "more advantageous to our navigation than to that of Great Britain . . . ." Summarizes the response to his inquiry, made in accordance with his instructions (above, Clay to Gallatin, August 8, 1826), "respecting the surrender of run away slaves": "That they were no acquisition to Canada was acknowledged, and no objection was made to the principle: but several were suggested by Mr Huskisson arising from the difficulties thrown in the way of every thing of that kind by the Courts and by the Abolition British [sic] associations" (cf. above, Gurley to Clay, May 12, 1825). ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7. Published in American State Papers, Foreign Relations, VI, 671-72.

In December, 1822, South Carolina had enacted a law requiring that any free Negro brought into her ports must be imprisoned during his stay and, if his expenses were not paid, he must be sold into slavery. The law had been
promptly ruled unconstitutional, but it had been replaced by one of similar import, though with less extreme penalties. Despite protests by the British and by Secretary of State John Quincy Adams, the State successfully defied the provisions of Article I of the Anglo-American Convention of 1815. The controversy has been identified as for the first time raising the nullification issue in South Carolina. William W. Freehling, *Prelude to Civil War, the Nullification Controversy in South Carolina, 1816-1836* (New York and London, [c. 1965]), 114-16.

The distinction between hammered and rolled bar iron had been made in the tariff legislation of 1816. It had been somewhat lessened under the law of 1824 (cf. above, III, 756), when the rate on the hammered had been raised to 90 cents while that on the rolled remained stationary at $1.50 a hundredweight; but the difference was sharply increased under legislation of 1828. F. W. Taussig, *The Tariff History of the United States...* (8th edn.; New York and London, [c. 1931], 50, 52.

From Abraham B. Nones, Maracaibo. Reports the arrival of (Simón) Bolívar and his departure for Venezuela; praises him as "Devoted to Liberty and a true Republican." LS. DNA, RG59, Cons. Disp., Maracaibo, vol. 1 (M-T62, R1). Received March 7.

**MISCELLANEOUS LETTERS**

December 21, 1826

To [John Quincy Adams]. Transmits the documents requested by a resolution of the House of Representatives of December 19, calling upon the President "to furnish the House 'a Copy of the three Articles... referred to in the protocol of the third conference of the American and British Plenipotentiaries on the fifth of February 1824.'" Notes that only the first two articles "relate to the British Colonial Trade and it was a clerical omission that they were not among the other documents relating to that subject communicated by the President to Congress at the commencement of the present session" (see above, Clay to Gallatin, November 11, 1826). Adds: "The third Article relates to another subject which is still under negotiation between the Governments of Great Britain and the United States and the propriety is therefore submitted of its being communicated at this time to the House of Representatives." Copy. DNA, RG59, Report Books, vol. 4, p. 187. Copy, also, in DNA, RG59, Dom. Letters, vol. 21, p. 439 (M40, R19). Published in *American State Papers, Foreign Relations, VI*, 356, together with the copy of the three cited articles. All other documents relating to the third of the articles, which concerned the navigation of the St. Lawrence, were withheld pending completion of negotiations on the subject. For the House resolution requesting the copy of the articles, see U. S. H. of Reps., Journal, 19 Cong., 2 Sess., 68, 74.

To [John Quincy Adams]. Transmits, in compliance with "two Resolutions, of the House of Representatives," of December 15, requesting the President to furnish information "concerning the nature of the stipulations contained in the" formal agreements reached at the Panama Congress and "relative to the organization, proceedings and adjournment, of the Congress...," copies of dispatches from (Joel R.) Poinsett dated August 29, 26, September 6, 23, October 4, 1826, and of (José María) Salazar's note of November 20, 1826. Adds: "During the last Session of Congress, a despatch from Mr. Poinsett was accidentally mislaid [cf. above, Clay to Adams, March 29, 1826]. In order to replace it a note was addressed to Mr. Poinsett and a copy of the lost despatch
was obtained [see above, Clay to Poinsett, April 1, 1826; Poinsett to Clay, August 9, 1826]. It is laid before the President at this time for his decision upon the propriety of his taking this occasion to communicate it to the House of Representatives. With the same view, a copy of a despatch from Mr. Poinsett (No 43) under date the 6th. day of May last is reported to the President.” Copy. DNA, RG59, Report Books, vol. 4, pp. 187-88. Published in *American State Papers, Foreign Relations*, VI, 357, together with the specified documents. For the cited House resolutions, see U. S. H. of Reps., *Journal*, 19 Cong., 2 Sess., 56, 61.

From William Duane, Philadelphia. Presents, in a long letter, “some reflexions on the present circumstances of Colombia, and the general aspect of the political relations of the American continent, produced by the recent measures of the British Government, particularly the exclusion of American vessels from the commerce of the Bay of Honduras, by an order of the British Privy council . . .” (see above, Gallatin to Clay, August 19, 1826, note). ALS. DNA, RG59, Misc. Letters (M179, R64).

From William Thornton, “Patent Office.” Acknowledges receipt of a “message (not found) from Clay, “requesting . . . a Report on the subjects embraced in” a House resolution (of December 19, 1826) directing the Secretary of State to provide information concerning possible “neglect or omission to record . . . patents,” the need for additional clerks in the Patent Office, “what further organization of that Office is necessary,” and “what inconvenience or hardships, if any, have” resulted from the operation of the patent and copyright laws. Explains that the failure to record patents during the period from 1802 to 1825 “was not the effect of any neglect of duty” but of the lack of help needed to record the ever-increasing number of patents; states a need for three additional clerks; and adds that he submitted to the Judiciary Committee, at the preceding Session of Congress, a report on patents and copyrights. Copy. *House Docs.*, 19 Cong., 2 Sess., no. 47, pp. 5-6. For the House resolution, see U. S. H. of Reps., *Journal*, 19 Cong., 2 Sess., 68, 75.

**APPLICATIONS, RECOMMENDATIONS December 21, 1826**

John H. Bryan, House of Representatives, recommends the New Bern (North Carolina) Carolina Sentinel to publish the laws. ALS. DNA, RG59, P. and D. of L. The Carolina Sentinel had held the contract for publication of the laws of the Nineteenth Congress, First Session, and retained it throughout the Adams administration.


Samuel Young, Ballston (New York), solicits Clay’s aid in obtaining “admission into the military School at West Point” for Miles Taylor, nineteen years old,
of Saratoga Springs, who, though poor, "appears ... to be one of those rare individuals upon whom the God of nature has bestowed intellect with an unsparing hand." ALS. DNA, RG94, Military Academy, Cadet Applications 1826-117 (M688, R43). Endorsed by Clay on cover: "Recommended to the particular attention of the Secy of War. H. C." Young Taylor, not further identified, did not receive appointment to the Military Academy.

To Samuel L. Southard

My Dear Sir

Will you send me the name of your friend whom you wish appd. Consul at Campeachy or give it to the President? He will appoint him.

Yr's H Clay


From Chauncey Whittelsey

My Dear Sir

New Orleans Decr 22d. 1826

We have at length settled the Judgement which I told you we had obtained in yr. name as Exr of Morrison vs Cox.¹ Your Counsel & Mr Duralde all agreed that it was for the interest & safety of the Estate to take Mathers Notes in payment of the Judgement—Mr Cox offering a discount of $1500 on one of the Notes. All the expenses have been paid out of the Interest except $1681.25/100 due to Mr Hennen for which he takes an interest in one of the Notes to that amount—leaving $18,318.75/100 for the Estate bearing interest at 10 pr Cent from the 15th. Feby next. The enclosed statement will give you all the particulars in detail. The Notes are well secured by double Mortgages. Enclosed you have also my account a duplicate of which with all the other papers have [sic] been delivered to Mr. Duralde. The Notes will be due & payable in February 1832. My health has much improved, indeed I may say that I am well tho lame. The Political Horizon is nearly cloudless in this quarter, but more on that subject at another time. With great respect I remain Dr Sir Your Obdt Servt & friend Honble Henry Clay Washington  Chauncey Whittelsey

[Enclosures]¹

Henry Clay Esqr Executor of Colo James Morrison
vs
Nathl. Cox

District Court 1 Dist of Louisiana
Statement of the Judgement obtained & how finally settled with Mr Cox—

[Judgment and interest amount to $21,037.50; less fees of Hennen
and Hawkins "in Morrison vs Smith" ($3,000), plus costs of a suit ordered to be paid by Cox ($197.87½), bring the total charges to $18,235.37½. Credits include two notes by Mather, for $10,000 each, plus interest, minus discount allowed by Cox and "Hennen's fee assumed by Mr Clay, totaling $20,666.66, an overpayment by Cox of $2,431.29." Details of the procedure, by which a refund of the overcharge was made, are stated.]

The two Notes now in Mr Duralde's hands belong to the estate of Colo Morrison

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<th>Amount</th>
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<td><strong>Total</strong></td>
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bearing interest at 10 pr Cent after the 15th February 1827 & due in full in [sic] Feby 15th 1832—

New Orleans Decr 18th 1826 C. Whittelsey

Henry Clay Esqr Executor of Colo James Morrison

To C. Whittelsey Dr

[Costs and fees "as pr Bill of particulars rendered to M Duralde Esqr," and for additional services, amount to $1,233.37½. Credits include sums of $1,052.12½ received from Duralde and of $181.25 from Hennen.]

New Orleans Decr 18th 1826 C. Whittelsey—

ALS. DLC-TJC (DNA, M212, R13). Endorsed by Clay: "Genl. Whittelseys statement of the debt of Coxe [sic], Trudeau &c—"

1 Cf. above, Account, ca. May 27, 1826; Duralde to Clay, November 8, 1826.
2 Joseph H. Hawkins and Alfred Hennen.
3 Probably George Mather, Jr. or Sr. The father, a prominent planter in the vicinity of Baton Rouge, had been named judge for that district after West Florida was annexed to the United States in 1810. The son had been a secretary of the revolutionary convention which had repudiated Spanish control of the territory.
4 Both ADS. DLC-TJC (DNA, M212, R16).

DIPLOMATIC NOTES

December 22, 1826

From the Count [Ferdinando] Lucchesi, Washington. Refers to a conference with Clay on the preceding day; complains of higher tonnage and other navigation charges imposed on Sicilian vessels in American ports than those required of American vessels in Sicilian ports; asks that Clay present this exposition to the President and assure him of the desire of the King of the Two Sicilies (Francis I) to encourage commerce between the two countries. ALS. DNA, RG59, Notes from Foreign Consuls, vol. 1.

INSTRUCTIONS AND DISPATCHES

December 22, 1826

From Heman Allen, Valparaiso, no. 46. Acknowledges receipt of a letter from (Daniel) Brent, dated July 18 (copy, in DNA, RG59, Dip. Instr., vol. 11, p. 148), directing to his attention "a claim of Mr. Robert Oliver, of Baltimore, upon the government of Chile"; encloses copies of his correspondence with (Michael) Hogan on this subject; refers to his dispatches on the same matter
(above, June 10, 28, July 29, 1826) and expresses a hope that his "objections to the prosecution of the claims have been sustained by the government"; states that, although he thinks the case "destitute of merit," he will "very cheerfully yield, to any instructions to the contrary, that the government may be pleased to dictate." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received April 4.

From ALBERT GALLATIN, London, no. 42, "Confidential." Reports an interview, on December 20, with (George) Canning "on the affairs of the Peninsula . . ." Criticizes Canning for waiting "too long" before intervening and sending troops to Portugal (cf. above, Gallatin to Clay, December 15, 1826); notes, however, that, according to "this morning's papers, . . . Mr Canning is relieved from anxiety in that respect, and that the French Ministry will act in concert with him." Reports having called Canning's attention to the possible consequences, on Anglo-American relations, of a war between England and Spain. Notes that he referred to an understanding "between Great Britain and the United States, that Cuba should not fall in [sic] the hands of either"; that he tried "to impress strongly on his [Canning's] mind that it was impossible, that the United States could acquiesce in the conquest by, or transfer of that Island to any great maritime Power, and that the new American States, particularly Mexico would be equally averse to it"; and that he brought up "another subject of the highest importance that might at once" cause a "collision" between the United States and England in case of war between the latter country and Spain: "It was that of impressment," which "had been the great and leading cause of the last war . . ." Cites "an assurance on the part of Mr Canning, that he felt the importance of both subjects (Cuba and impressment) and that he would take them into serious consideration." Requests, in anticipation of possible negotiations on these subjects, to be informed of the President's views. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29) . Received February 4. Extract published in Manning (arr.), Diplomatic Correspondence . . . Latin-American Nations, III, 1585-86.

From ALBERT GALLATIN, London, no. 43. Transmits "a copy of an informal paper" received from (William) Huskisson "on the subject of the North East boundary" intended "as a rough projet of Convention [sic] for preliminary arrangements . . ." Mentions two articles of this document, one stipulating "that Mitchell's map [see above, Delafleld to Clay, September 23, 1825, note] should be the only one given in evidence" to the Umpire and the other permitting each party to "annex to his statement whatever papers (Maps excepted) he pleased" and such papers to "be delivered to the Umpire, without the other party having it in his power . . . to make any reply or objection." Explains that he declared them "altogether inadmissible, and very plainly intimated, that they indicated a design, on the part of Great Britain, to take some new and different ground. . . ." Reports that he then said he "would prepare a plan of preliminary arrangement"; that, if no agreement could be reached, he would propose the transfer of negotiations to Washington; and that, "if this was refused," he "would be ready to proceed to the choice of an Arbitrator, to whom, if no other arrangement was made, all the reports and papers of the Commission must be referred." Notes apparent aversion of the British both to transfer of the negotiations to Washington and to compromise. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7. Published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 570-71.
From CONDY RAGUET, Rio de Janeiro, no. 22. Reports the death of the Empress (Maria Leopoldina); notes that the Emperor (Pedro I) is not expected to return soon to the capital (from his military headquarters); speculates on the subject of a second marriage for the Emperor; observes that "The death of the Empress will probably affect the emigration of Germans to Brasil [sic]." Notes departure of a British packet carrying "the ratification of the treaty . . . for the abolition of the slave trade" (cf. above, Raguet to Clay, November 27, 1826) and that "The slave trade is carried on with great activity at the present moment." Cites information received from (Joshua) Bond concerning the capture of the Matilda, of New York, and a Swedish vessel (the brig Anders—see below, Raguet to Clay, February 7, 1827), carrying American goods, "by the blockading squadron"; states that "A decision for damages in the case of the Exchange [see above, Raguet to Secretary of State, March 11, 1825] has been lately given, against the captor, who non est inventus, and the master . . . has now commenced an action against the crown." Summarizes information from (Robert) Gordon, the British Minister: "the situation of affairs at Buenos Ayres is gloomy enough"; Brazil will not cede the Banda Oriental to Buenos Aires; "the Orientalists" prefer independence to union with either of the two warring states. Encloses copies of his official correspondence. Calls attention to the fact that, though "the doctrine of previous warning by the blockading force is not admitted . . . ." instructions to the commander of that force "are calculated . . . to remove a great part of the difficulties heretofore resulting from the mode of conducting the blockade, inasmuch as, it is ordered, 'that only those neutral vessels shall be detained, which it is manifestly known, intend to infringe the blockade, directing themselves towards it, and not those which may be fallen in with, on the high seas, or may be entering Monte Video, even though their passports be for the said ports'—(i.e., the blockaded ports.)."


MISCELLANEOUS LETTERS December 22, 1826

From NICHOLAS BIDDLE, "Bank of the United States." Acknowledges receipt of Clay's letter of December 20 and returns "inclosed the answer to Mr. Vaughan," which he asks Clay "to transmit to him." States a disposition "to go as far as possible in making a very liberal offer to Mr [sic] Vaughan" and asserts that "the rate fixed is quite as much as . . . [the Bank] could in justice propose." Notes the factors that "tend to depress the general rate of Exchange between this country & England. . . ." Explains: "Our inducement to make at once so large an offer is the wish to facilitate by every means in the power of the Bank the moneied operations in which the Government feels an interest, and the advantage of the probable distribution of the proceeds through the Bank instead of their forming an immediate & direct demand on its resources—considerations which while they enable us to give to Mr Vaughan more than he could probably obtain elsewhere, render the negotiation not unacceptable to the Bank." ALS. DNA, RG59, Misc. Letters (M179, R64). In the enclosure (a copy), bearing the same date, Biddle informs Vaughan that the sum of $602,480 can be placed to his credit, on receiving his bills in triplicate for
£121,577.9.9, representing an advance of 11½% "on the nominal par of exchange..."

To Francis T. Brooke

My Dear Sir

I have yielded to the wish that I should write in behalf of Mr. Taylor, but a great deal too much weight is attributed to my recommendation. And I fear that the Bank will hardly be prevailed on to deviate from their practice of sending out a Cashier educated under their own eye.

From all recent indications at Richmond, we are to conclude that Mr. Ritchie has succeeded in putting a majority of the General Assembly in the humor of a permanent opposition to the General Administration. I regret it extremely not more on our account here than on that of Virginia herself. It is consoling that every where else things are going well; and the final issue is perfectly certain. Mr. McKinley, the new Senator lately elected in Alabama, is believed to have brought with him good dispositions towards the Administration. In that branch of Congress, where it was weakest, it is now entirely safe. I am Cordially Your friend

The Honble F. Brooke.

H Clay

To Charles Hammond

Dear Sir

I had a curious call the day before yesterday from Majr. Eaton. He came at the instance of Genl. Jackson to inform me that the Genl. had received a letter from some person in Kentucky (whose name was not given) communicating to him that you had, during your visit to Kentucky, last summer, obtained from me papers which I had collected for the purpose of an attack on Mrs. Jackson which you were preparing; and to enquire if I had furnished any such papers. As there was not a particle of truth in the communication which had been made to the General I, of course, contradicted it, adding what is perfectly true that I had never seen the papers relating to the transaction referred to, nor did I know that you had on your above-mentioned visit procured any such papers. I stated that I saw you in Lexington a day or two, and that I understood when you left it you passed by Paris to visit Judge Trimble on your return home.
I have now no recollection that the case of Mrs. Jackson formed any topic of conversation between us when you were in Lexington. I do recollect that you mentioned some thing about a Suit in Chy concerning the purchase of the Press in Lexington, and that you had obtained a Copy of the bill &c—

The Session so far remains calm. In what quarter the storm of opposition will burst forth can only now be matter of conjecture. I think it will be the British Colonial question, on which if I am not greatly deceived you will agree with me in thinking that the Administration stands on perfectly impregnable ground.

The subject of the Vice Presidency begins to engage conversation. My name I find is spoken of by some. I confess my Judgment leans against its use. What is your opinion?

I am Yrs with great regard
C. Hammond Esq

Not identified.

1 Cf. above, Hammond to Clay, September 27, 1826.
2 Not identified.
4 Robert Trimble.
5 Case not found.
6 See below, Hammond to Clay, March 20, 1827.

To the Baron de Maltitz

Department of State, Washington 23d Decr. 1826.
The Baron de Maltitz, Chargé d' Affaires from Russia.
The undersigned, Secretary of State of the United States, in acknowledging the receipt of the Note of Baron de Maltitz, Chargé d'Affaires of His Imperial Majesty, the Emperor of all the Russias, under date the 30th. day of November last, cannot deny to himself the pleasure of repeating, in writing, the expression which he has already had the honour to make verbally, in an interview with the Baron, of the high satisfaction which the President has derived from a perusal of the above note and of the late despatches, relating to the subject matter of it, received from the Minister of the United States at the Court of St. Petersburg. It is peculiarly gratifying to the Government of the United States to find that the Successor of their illustrious and lamented Friend cherishes towards them the same sentiments of respect and esteem which he ever entertained, and of which he gave many signal proofs, and that he concurs in his enlightened views on the great question of pacification between Spain and her former American Colonies. Such an unbroken continuity of the policy adopted by the Emperor Alexander greatly
abates the force of the shock which the recent dispensation of Providence otherwise would have inflicted.

The President never, from the moment of the receipt of the Note of Count Nesselrode under date the 20th. day of August in the last year, permitted himself to doubt the sincerity of the late Emperors desire that peace should be concluded between Spain and the new American States, nor that he would employ, in such manner as might appear to him most proper, his best endeavours to bring about that happy event. Information from Madrid did, at one time, create some apprehensions that the humane intentions of the Emperor Alexander were not seconded with sufficient zeal by his Minister at that Capital; but these apprehensions have been dissipated by the assurances which have been received from Baron de Maltitz.

The wishes of the United States in regard to Cuba and Porto Rico remain unchanged. They desire no disturbance of the possession of Spain, believing it most compatible with the interests and harmony of all the great powers. They would see any such disturbance, at the instance and by the arms of any power, with great regret. The new States have hitherto forborne, and that principally in deference to the declared desire of the United States and Russia, to attack those islands. Whilst, on the other hand, Spain, instead of listening to the councils of peace and moderation which the hopelessness alone of the war ought to have inspired, has sent forth, from the port of Havanna, a formidable fleet for the manifest purpose of invasion or other hostile operation against the territories of some of the new States. It was dispersed and disabled in a storm; but neither the frowns of Providence, the distractions at home, nor the disasters which await her, in a further prosecution of the war, appear yet to have awakened that unfortunate Monarchy to a sense of the absolute necessity of terminating the existing hostilities.

Although the Government of the United States is extremely unwilling to see any attempt made, from any quarter, to wrest from Spain the possession of those islands, and may yet continue to employ their exertions to prevent it, the Undersigned is constrained, in frankness, to repeat what has been already communicated to the Government of Russia, that if Spain shall still unnecessarily prolong the war, and drive the new States to the necessity of conquering peace in Cuba and Porto Rico, the Government of the United States could not justly interpose, unless a character should be given to the war of invasion which would render it, in reference to their own duties and interests, improper that they should remain neutral spectators.
But the President sees with great pleasure the determination of the Emperor Nicholas, as announced by Baron de Maltitz, to preserve in his efforts to prevail upon Spain to comprehend, in the actual posture of affairs, that her true interests are on the side of peace. And he cannot but persuade himself that those efforts will be crowned with complete success, and that the answer required by His Imperial Majesty from the Court of Madrid to the overtures for the conclusion of the war, either in the form of a treaty of peace or an Armistice—an answer which the President will continue most anxiously to expect—will be auspicious to the friends and hopes of humanity.

The Undersigned seizes this occasion to renew to Baron de Maltitz the tender of his high consideration. H. Clay.

Receipted Tax Bill

Dec. 23 1826

Hon. Henry Clay  
To Washington Corporation,

To Tax on Personal Property for the year 1826...

Valuation $3,000

Deduct for prompt payment,

Tax on 2 female Slaves & 1 coachee

Received payment W. W. Billing. Collector of the First and Second Wards.

INSTRUCTIONS AND DISPATCHES  
December 23, 1826

From Heman Allen, Valparaiso, no. 47. Reports "that the Congress of Chile is still in session;—that no provision has been made, for the departure, of the appointed Ministers to the Congress of Panama, and that the Executive of Chile, has formed a treaty of Alliance, with Buenos-Ayres," which will probably be altered before it is ratified. Notes an expectation that a constitution, based "on the principles of federation, . . . will soon be brought forward for discussion." ALS. DNA, RG59, Dip. Disp., Chile, vol. 2 (M-T2, R2). Received April 4.
From James Brown, Paris, "Private." Notes the reaction in France to (George) Canning's speech on the subject of Portugal (see above, Gallatin to Clay, December 13, 1826, note): "The ultra-royalist and congregational parties" view it with "unqualified disapprobation"; "the constitutional party," while admitting "that the language of Mr. Canning is harsh and sarcastic,... contend that it is strictly true, and fairly applied to the French ministry"; and "The ministerial party," admitting Spanish encouragement to Portuguese rebels, "concede to England the right of assisting the regency." Adds that "The funds which had declined on receiving the first news from England, have nearly resumed their former value." Discounts a rumor that Dom Miguel has denounced the insurgents in Portugal and professed "his attachment to the principles of the constitution" but expresses a belief that "the allied cabinets are using their influence to obtain from him such a declaration...." Reports that "the latest accounts" indicate that the insurgents have had limited success and that "it is now thought that they will be forced back into Spain before the British troops can reach Lisbon." ALS. DNA, RG59, Dip. Disp., France, vol. 23 (M34, R26).

From Joel R. Poinsett, Mexico, no. 64. Transmits copies of two notes, which he has written, "on the subject of the detention of the cargoes of two American vessels at Vera Cruz, and the seizure, condemnation and sale of the cargo of the Brig Delight at the port of Sisal." States that he has received no response to his repeated urgings in the case of the Fair American (cf. above, Clay to Poinsett, March 20, 1826). LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3). The enclosures pertain to the seizure of the Ranger, the Eliza, and the Delight on the charge of failure to have their invoices "certified according to the... regulations" published by the Mexican Minister in Washington (Pablo Obregón). Cf. above, Obregón to Clay, January 4, 1826.

Miscellaneous Letters December 23, 1826

From James Barbour. Requests certain documents for the use of "The Commissioner on the part of the United States appointed to run the dividing line between the State of Georgia and Territory of Florida...." LS. DNA, RG59, Misc. Letters (M179, R64). Published in Carter (ed.), Territorial Papers, XXIII, 699. By act of May 4, 1826, the President had been authorized to appoint such a commissioner. 4 U. S. Stat., 157-58. Thomas M. Randolph had been given the assignment on November 7.

From Peter B. Porter, Black Rock (New York). Recalls that, after adjournment of the "Board of Boundary Commission," he requested (Joseph) Delafield to send to the (State) Department a copy of the Commission's journal (see above, Delafield to Clay, November 15, 1826). Adds: "The Confidence which I have heretofore expressed to you of an amicable adjustment of the points in difference between Mr Barclay & myself, after he should have received new instructions from his Government, has been much lessened since the receipt of the President's Message & accompanying documents [see above, Pleasants to Clay, December 9, 1826; Clay to Brooke, December 11, 1826]. From a perusal of them I am led to fear that these differences may be thrown into the common stock, & abide a common fate, with the other numerous difficulties which seem to have accumulated between the two Countries. I am, however, not with out hopes of a favourable result." ALS. DNA, RG76, Northern Boundary: Treaty of Ghent, 1814, Arts. VI and VII, env. 1, folder 1, item 77. Cf. above, Porter to Clay, October 16, 1826.
Clement C. Biddle, Philadelphia, recommends Thomas Backus, a native of Connecticut and a merchant at Santiago de Cuba, to succeed James J. Wright as consul at that port. ALS. DNA, RG59, A. and R. (MR1). Endorsed on wrapper: "Appointed Consular Commercial Agent." Backus held the appointment until he was killed while on a visit in the United States in July, 1832.

Matthew St. Clair Clarke, Washington, recommends George E. Dyson for a clerkship. ALS. Ibid. (MR2). Cf. below, Dyson to Clay, this date.

George E. Dyson solicits employment; states that he was for about seven years "engaged in Commercial pursuits in New Orleans. . . ." ALS. DNA, RG59, A. and R. (MR2). Letter not dated. Dyson, not further identified, received no appointment.

Charles I. Gayler, Washington, calls attention to an enclosure (above, Burt to Clay, September 26, 1826) and solicits Clay's support in his search for "respectable employment." ALS. Ibid.

From Charles Hammond

My Dear Sir

Columbus, Dec. 24, 1826.

The mail of yesterday brought us the vol of documents. No 2. containing the correspondence with the British Government, in relation to our trade with their West Indies and North American possessions. I am much gratified by the perusal of them, Your despatch of Nov 11. places our conduct and that of the British Cabinet in very strong contrast and favourable to us— All here, who read it, unite in commending it. I cannot but hope that the British Government are not serious on their course, and that they will take a proper occasion to recede— In case of their adherence I do not See what else we can do than engage in the unprofitable contest of doing them an Equal harm— I would not resort to counter legislation, unless nothing else could probably be done to support our interests— Our honor I think does not pinch us to attempt harsh measures, with a view to character alone. I am not however sufficiently master of the subject to offer any opinion upon it.

The message is written much in the manner I would have dictated had I sat censor and corrector at the writers elbow— The approbation it extorts from those who reprobate Mr Adams is highly gratifying— Great satisfaction is felt here at the general aspect of public affairs— Inghams defeat in Pennsylvania is truly an auspicious Event,—and we are pleased with the re-election of Noble— We cannot do better than re-elect Ruggles, which I think reasonably certain— The movements of the Senate, in selecting committees especially, reflect a just censure upon the proceedings of the last
Session— Discarding Randolph from every committee is a severe commentary upon both his course and that of the Vice President[7]— Virginia can scarcely reelect him[8]—

You will See the inaugural speech of our new Governor,[9] Its decisive tone is quite acceptable— There is much harmony here upon all general subjects, We deem it the best policy to say nothing in the Legislature, upon the Subject of National politics, adhering to the maxim that its [sic] is useless to attempt mending what is well— Our friend King makes an excellent Speaker,[10] and gains every day upon the good opinion of the House— The public affairs of the State are prosperous— The complaints are not greater than the change in our mode of taxation would naturally produce[11]—

I think that Judge Trimble, in the case of Kincannon vs Owings and others, has hit upon a happy mode of neutralizing the consequences of the decision in Green & Biddle[12]— I am half inclined to think his argument fallacious, but it is too acceptable to reject, if it can possibly be Sustained—

The Liberator[13] is supplying another instance of the civic Virtue of a military Cheiftain [sic]— Perhaps the condition of that Country renders this course on his part indispensable [sic]— It is easy to perceive that he could contribute much to produce that very state of things, which furnishes the best apology for his present course— His conduct and conversation Seems to be but a re enacting of the scenes in which Caesar and Cromwell figured— Our Hero of the Hermitage[14] is also, on a civic Scale, no bad imitator— I trust however that events are accumulating against his success—. Even Kentucky must hesitate when she Sees Pennsylvania Vaccillating [sic][15]—

Two days ago I saw Young Master Hart,[16] in this place, in good health, and understood your Son at Worthington was well[17]— My respectful Good wishes to Mrs Clay— Yours sincerely

C. HAMMOND

ALS. OHi. Addressed to Clay.

1 Cf. above, Clay to Brooke, December 11, 1826.
2 Above, to Gallatin.
3 That is, the President's message.
4 See above, Clay to Brown, December 14, 1826.
5 See above, Harrison to Clay, November 12, 1826, and note.
6 Benjamin Ruggles was re-elected.
7 Cf. above, King to Clay, April 12, 1826; Warfield to Clay, May 5, 1826, note. Under the new rules, the Senate had itself appointed the committee chairman and the committees. U. S. Sen., Journal, 19 Cong., 2 Sess., 27.
8 Cf. above, Watkins to Clay, September 30, 1826.
9 Allen Trimble's election as Governor had been officially reported on December 7. His victory had been decisive, by a total of 71,475 votes as opposed to 13,000 for all other candidates. For his inaugural address, on December 19, see Ohio H. of Reps., Journal, 25 Gen. Assy., 1 Sess. (1826-27), pp. 93-99.
10 Edward King, who served in the Ohio House of Representatives, 1823, 1825-1828, and was twice chosen speaker.
11 In 1825 Ohio had revised its revenue laws, supplementing a system based entirely upon land taxes by introducing a more general property tax, applicable also to town
Sir,

Richmond 24th. Decr. [1826]

I present you the greetings of the season, and seasoned with what I hope will prove acceptable—the information namely, that the Earl of Roanoke will, without some great and unforeseen physical or moral Revolution, be certainly (sic) displaced in the Senate Of the U. States. This I have from the beginning, been strongly inclined to suspect—though my fears would not permit me to speak it with any confidence. I think it is now as certain as any event can be, yet in futuro (sic)— He will not get 8 votes beyond the Blue Ridge—below it, he loses to my individual knowledge more than 40—he will lose a majority of the Senate— The opposition to him, is of the most decisive and uncompromising character—any body but him— Bullying, and honeying, have been resorted to in vain— The attempt to take out a new patent of democracy, (you understand the term) was boldly made by Daniel Wilson— It was a most signal failure. They have used letters from Washington, and many other expedientes (sic) in vain. Judge Barbour it is thought, when apprised (as he will be) of the true state of things, will not withhold the use of his name. Tyler as you see from his message, is digging deep for popularity— He could have been the man: He dreaded to give offence, and has lost the chance. I care not myself if it never recurs. He has ridden the poney (sic) yclept “State Rights,” almost to death. Entre nous. I should not be surprised if said poney was in a real decline. If Barbour is brought out with his own consent, he will beat Randolph (I think) more than a third.

Considering the efforts made by the thorough going to elect Randolph—that the propriety of reelecting him has been placed expressly, upon the ground of mortifying the Administration, I shall consider his defeat a great triumph. I do not think it is to stop there— I have never seen such a spirit in the General Assembly—
Taylor, & Upshur were both denounced, and both elected.\(^7\) I think there is a *real* crisis in the politics of Va. In haste, Yr frd.

P.S. Every thing has worked well— Benton's letter\(^8\) gave deep offence— Ritchie's assertion that Randolph would be reelected without opposition, offended again\(^9\)— Wilson's putting his Resolution on the ground of hostility to the Ad. & relief to Randolph's solicitude was disgusting— finally Dr Crump has made a most *mal apropo* visit—though I am sure, not a political one\(^10\)—

ALS. DLC-HC (DNA, M212, R2). Addressed to Clay.

\(1\) John Randolph.

\(2\) Cf. above, Watkins to Clay, September 30, 1826, note.

\(3\) Cf. above, Pleasants to Clay, December 9, 1826.

\(4\) Probably of Prince Edward County, Virginia. Though Randolph's term did not expire until March 4, 1827, Wilson, one of his supporters, had introduced a resolution on December 20, calling for prompt election of a Senator, because "Every public servant ought to know promptly whether his public course be approved or not" and "because it would be, in some degree, an expression of public sentiment in relation to the Federal Government." Opponents of the measure, protest that delay was not "a manifestation of friendly feeling towards the administration," had succeeded by a vote of 98 to 64 in tabling the resolution. *Washington Daily National Intelligencer*, December 23, 1826.

\(5\) Philip P. Barbour.

\(6\) John Tyler's gubernatorial message, delivered on December 4, had applauded Virginia's commitment to "the Federative principle" in opposition to the growing assumption of power by the central government, as evidenced in Federal programs for construction of roads and canals. Despite Pleasants' forecast, Tyler was elected on January 13, 1827, to succeed Randolph in the United States Senate.

\(7\) Allen Taylor, of Fincastle, had been named judge of chancery court, or chancellor, for the Staunton, Wythe, and Greenbrier districts and Abel P. Upshur, a judge of the Virginia supreme court. Upshur remained on the bench until 1841, when he resigned to become Secretary of the Navy. He became Secretary of State in 1843 but was killed the following year by the explosion of a gun aboard the United States battleship *Princeton*, while cruising on the Potomac River.

\(8\) Probably Thomas Hart Benton; the letter not found.

\(9\) Thomas Ritchie's *Richmond Enquirer*, on December 14, 1826, had predicted that Randolph would "be almost unanimously re-elected," indeed, that he would be re-elected "without opposition." "This is not a time," the editor had continued, "for Virginia to sacrifice John Randolph, at the shrine of an Administration which she dislikes..."

\(10\) George W. Crump had replaced Randolph as a member of Congress in February, 1826, when the latter had assumed the Senatorial seat vacated by James Barbour. On January 15, 1827, two days after Randolph's defeat for re-election to the Senate, Crump called upon his constituents to return Randolph "to the station from which he was withdrawn by the Legislature" and freed them from "personal and political obligations" to himself. Randolph was returned to Congress in April, 1827, in Crump's place. Reference to the latter's reported visit has not been found.

From Peter B. Porter

Black Rock  Dec. 24th. 1826

Dear Sir,

(Confidential)

Your favour of the 12th. instant was received this morning, as was, some days since, the one to which you allude as having been written from New York.\(^1\)

I should have written you sooner but for the great press of business which I found on my hands after an absence of four
months, & which has required me to make several new journeys to the Falls & other places in the neighbourhood.

I feel, as sensibly as you can do, the unpleasant condition into which the Republican Party of this State is thrown, as regards its own peace & integrity as well as its relations with the General Government, by the intriguing of V.B.\(^2\) and his friends who, from their local situation & official stations at Albany, can manage their political plans with great effect. There is no doubt but that two thirds, & probably three fourths of the citizens of this state, are friendly to the Genl. Administration This sentiment being more general in the western than the eastern part of the State And yet I am fully of opinion that, by the manouvres \([sic]\) of Clinton\(^3\) & Van Buren, whether in concert or not, the state will be represented in the Senate by the latter, who is the decided enemy of that administration. Under the idea of a perfect amalgamation of the different sections of the party, V.B. & his friends managed very adroitly at the last election, to get a large portion of the\(^4\) members returned to the Legislature who will be under their personal influence & direction. If however it should be ascertained that a majority of the republican members are opposed to him, there can hardly be a doubt that he will make up his compliment \([sic]\) of votes by recruits from the Clintonian ranks; and the very fear of such a coalition between him & Clinton, the effect of which would be to subject the party to new distractions may perhaps be the means of preventing the necessity of his resorting to this expedient, & of giving him, in the first instance a decisive vote. While he has been very active in concerting & maturing his plans, little or nothing, I believe, has been done by the friends of the administration.

Our Legislature will assemble on monday, of next week, soon after which we shall probably know whether any attempt will be made to oppose the reelection of V.B.\(^5\) Should I learn any thing worth communicating I will write you, It is doubtful whether I shall be able to visit Albany before the election (which is in February) takes place. I remain, Dr Sir, very respectfully & truly yours,

P. B. Porter

Hon. H. Clay.

ALS. InU.

1 Above, November 23, 1826.
2 Martin Van Buren.
3 DeWitt Clinton.
4 Porter may have attempted to erase this word.
5 Cf. above, Clay to Porter, June 22, 1826, note.

INSTRUCTIONS AND DISPATCHES

December 24, 1826

From J[oel] R. Poinsett, Mexico, no. 65. Transmits translations of a note received from the Mexican Secretary of State (Juan José Espinosa de los
December 25, 1826

Monteros)

"and of a circular relating to passports"; suggests "sending copies of the latter to the Governors of the States and Territories of the United States that border upon Mexico." LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3).

From T[homas] M. Rodney, Havana. Notes reports that Commodore (David) Porter, having already "made one or two valuable captures," was, with a small squadron, "off Cape Antonio and beating up for" Havana; states that Admiral (Angel) Laborde has "sailed in quest of the hostile squadron . . . ." ALS. DNA, RG59, Cons. Disp., Havana, vol. 5 (M-T20, R5). Received January 15. Cf. above, Gray to Clay, September 15, 1826.

From W[illiam] Tudor, Lima, no. 53. Encloses copies of his correspondence with the Peruvian Minister of Foreign Affairs (José María de Pando) over the past two months; notes that no decision has been reached on the subject of excessive duties levied on manufactures of the United States (cf. above, Tudor to Clay, November 21, 1826); thinks his request that American whaleships be allowed to sell enough oil to enable them to purchase supplies will be granted, although he has been unable to get a decision; notes that in appointing a vice consul at Arica he "may unintentionally have presumed too much"; and adds: "I trust however that the nomination of some person to take my place, will soon prevent my committing any further mistakes." ALS. DNA, RG58, Cons. Disp., Lima, vol. 1 (M154, R1). Received April 26.

From W[illiam] Tudor, Lima, no. 54, "Confidential." Notes "much discontent among the Colombian officers" in Peru, "the majority of those from Venezuela are devoted to General Bolivar, the others opposed to his plans . . . ."; reports that the British naval force in that area is being reduced in strength; observes that the "large ships are wanted" off the coasts of La Plata and in the Gulf of Mexico; states that "A French agent under the title of Inspector General" (Jean Baptiste Chaumette des Fossés) has reached Lima but, owing to the informal nature of his credentials, has not been received. ALS. Ibid. Received April 26.

Applications, Recommendations

December 24, 1826

Robert Montgomery, St. Thomas, notes that he wrote Clay before leaving Alicante (letter not found), informing him that private business compelled him to be absent for some time, that, pending his return, he had left George B. Adams in charge of the consulate, and that he would "be inclined to exchange" his situation from Alicante to "Sta. Martha," his destination. Renews his application for the transfer. ALS. DNA, RG59, Cons. Disp., Alicante, vol. 1 (M-T357, R1). Received January 16. Duplicate, in DNA, RG59, A. and R. (MR3). Cf. above, Brent to Clay; November 25, 1826, note.

From John Meany

Hon H. Clay      Philadelphia 25th Decr 1826
Sir

A few days previous to the departure of Mr. Sargeant [sic] for Washington, preparatory to his embarking for Mexico, I had a conversation with him respecting Col. W. Duane, in which he
expressed a wish to obtain for him a Situation under Government, & understanding from Mr. S. that the proposals made to Col D. to edite [sic] a newspaper for the purpose of Supporting the pretensions of a Certain character, were in a state of greater forwardness than I was aware of, I thought I could not do the present administration a better Service, than by using my influence with Col D. to desist from Such an object, the result of my Endeavours I Enclose for yr perusal, as well as the printed prospectus of the publication, & sincerely trust that your discernment will point out Some mode, whereby the talents of Col D. may be turned from the channel in which his present Situation may lead them, in the mean time I shall do all in my power to influence him from such an undertaking2

Col. Johnson3 of Kentucky is a warm friend of his.

I have the Honor To Be yr Very Humble Servt JNO. MEANY

ALS. DLC-HC (DNA, M212, R2). Endorsed on verso by Clay: "... With a letter [not found] from Wm. Duane Esqr." Meany was a Philadelphia merchant and ship owner.

1 Cf. above, Sergeant to Clay, November 17, 1826, note. Sergeant had been in Washington, where he had been entertained at a public dinner on November 13.

2 Duane attempted to revive the Philadelphia Aurora in 1826, a venture he later described as an effort to "repeat the part he had acted in the memorable struggle for political life or death from 1797 to 1800. ..." The venture "was a failure." Massachusetts Historical Society, Proceedings, 2d. series, XX, 391-92. The enclosures have not been found.

3 Richard M. Johnson.

From Robert Scott

Dear Sir,

Lexington [25] Decr. 1826

Your favors of the 16th. Ulto. and 5th. have been duly received1— Thus far I have returned Pikes protested bill2 with the hope of collecting a part of it at least, but have failed— The first time Mr. Chinn is in town I will hand it to him for suit3—

I well recollect that you refused warranting the soundness of the Negro woman4 sold Warner and referred to Kerr5 &c. at the farm—

The five hundred dollar check6 transmitted in your letter of the 5th. and ½ pr Ct. premn for which I sold it, is to your credit with Colo. Morrison's estate—

In a few days I will send you a statement of Accounts down to the end of the year7—

In a conversation with Mr. Gratz,8 he requested me to mention to you, that it will be inconvenient for Gratz & Bruce to pay the debt they owe to Colo. Morrison's estate9 during the coming year; in consequence of the high price of hemp which has caused them to lay out and engage their funds in engosing [sic] it—
Very respectfully Your Hble Servt

P S. Colo. Owings\textsuperscript{10} has lost his suit with the Bank—

ALS. KyLxT. Endorsed by Clay on verso: “25 Decr. 1826.”
\textsuperscript{1} Neither has been found.
\textsuperscript{2} Cf. above, Scott to Clay, November 21, 1826.
\textsuperscript{3} Richard H. Chinn. No suit in this connection has been found.
\textsuperscript{4} Not identified. \textsuperscript{5} Elijah Warner; John H. Kerr. \textsuperscript{6} Not found.
\textsuperscript{7} The quarterly accounts, located in KyLxT, are incorporated in the annual statements summarized below, July 6, 1827.
\textsuperscript{8} Benjamin Gratz.
\textsuperscript{9} Cf. above, III, 443. Gratz and Bruce were carried on the Debt Account of Morrison’s Estate, above, ca. August 12, 1826, as owing $6,000 due January 1, 1828, with interest charges of $360, due July 1, 1827, and $180, due January 1, 1828, all identified as “Good” debts.
\textsuperscript{10} Thomas Deye Owings.

From Robert Scott

Dear Sir, Lexington 25 Decr. 1826

A most awful and distressing event has happened to me lately—what it is will at once occur to you\textsuperscript{1}— Good heavens what agonies I have inflicted on my self— But to God and you I submit my self— As he is be you merciful— You can do me an irreparable injury, but that would do you no service— Let me entreat you therefore to commit to the flames this as well as another paper\textsuperscript{2} in your possession—

Notwithstanding my errors, be assured the funds of the estate as well as yours which have come to my hands are safe, as will be shewn by the accounts which will be transmitted at the end of the year\textsuperscript{3}— Very respectfully Your Hble Servt RObT: SCOTT

The Honble Henry Clay

ALS. KyLxT.
\textsuperscript{1} Incident not found. Scott’s intemperance, to the degree of incapacity for responsibility, is discussed in Thomas B. Monroe to Virgil Maxcy, September 25, 1831 (DNA, RG206, Letters Received: Kentucky). \textsuperscript{2} Not identified. \textsuperscript{3} Incorporated in annual statements summarized below, July 6, 1827.

INSTRUCTIONS AND DISPATCHES December 25, 1826

From THOMAS L. L. BRENT, Lisbon, no. 35. Notes the return, from England, of Lord Beresford, who “continues to receive the full pay of a Marshal General in the service of Portugal,” the “constant use [of] one of the royal carriages . . . : and, as formerly, on gala days is placed on the right of the throne along with the Dukes of the kingdom.” Refers to a rumor that, in case of war with Spain, Beresford would command the Portuguese army, but speculates that, because of his former association with the ultra-royalists, his presence would be beneficial for continuance of British influence in case that faction should gain control of the country. Gives details of “The espousals between the Infante Don Miguel and the daughter [Maria da Gloria] of the Emperor of Brazil [Pedro I] . . . on the 29th. November at Vienna,” which, combined with Miguel’s “taking of the oath to the Constitution,” has diminished the hope
of the ultra-royalist party for “countenance or cooperation on the part of Austria and the Infante.” Professes to see “beneficial effects” on “the public mind” from the meeting of the Cortes, in which the Peers have come to appreciate their greater independence of the Crown. Reviews at length relations between Portugal and Spain relative to the invasions of the former by deserters who fled to the latter and to the orders, not enforced, issued by the Spanish King (Ferdinand VII) to prevent these incursions and includes reports by the Minister of Foreign Affairs (Francisco de Almeida) and by the Count of Vila Real, who has returned from Madrid. Explains the resignation of the cabinet, which was, with one exception (Pedro de Melo Breyner), accepted by the Regent (Isabel Maria) and notes the reappointment, upon advice of the British Minister (Sir William A’ Court), of Almeida and the Baron de Sobral. Reports “the suspension of the Habeas corpus, the passage of a law defining . . . treason, and the proclamation of martial law.” Cites the great effects produced by arrival of copies of the message of the King of England (cf. above, Gallatin to Clay, December 13, 1826, note; Brent to Clay, December 19, 1826) and concludes “that there will be abundant time for the aid to arrive from England, owing to the moral influence of the known determination of England to support Portugal.” LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received March 9.

William Carr Beresford, Viscount Beresford, after promotion to the rank of major general in the British service against France in Europe, the West Indies, India, and Egypt, had been sent in 1808 to Portugal, where he had reorganized the army and had been awarded numerous honors, including rank in both the British and the Portuguese peerage. He had been dismissed with other English officers by the Portuguese Government in 1819 and had not been permitted to return to resume military command during the Portuguese civil war. In 1825 he had been promoted to rank as a full general of the British Army.

Melo Breyner, first Count de Melo, had served as governor of judicial affairs in his native city of Oporto and as president of the Exchequer and member of the Regency in 1807. He had remained in Portugal during the Napoleonic wars and afterwards had undertaken various missions to the Vatican, Naples, Genoa, and France. In 1826 Isabel Maria appointed him Minister of Justice and Ecclesiastical Affairs. Following the above-mentioned cabinet resignations and the reappointment of Almeida and Sobral, Melo was shifted to the Council of State, where he served until the collapse of constitutional authority in 1828. He was then imprisoned because of his liberal views and spent the remainder of his life in the tower of S. Juliao de Barra.

Hermano José Braancamp de Almeida Castelo Branco, the second baron of Sobral, a liberal in politics, had been active in the Portuguese revolution of 1820, had retired from public affairs upon the return of John VI, and in 1826 became Minister of the Treasury.

FROM ALEXANDER H. EVERETT, Madrid, no. 62. Reports that, under pressure from Great Britain, Spain “has consented to receive an agent from Portugal and to station . . . troops on the frontiers to prevent the return of the refugees.” Recommends (Robert) Montgomery to be consul at Santa Marta and George B. Adams to succeed Montgomery at Alicante (cf. above, Cook to Clay, August 3, 1825, note; Brent to Clay, November 25, 1826, note). Transmits a copy of “the fourth section of the eighth article” of the treaty recently concluded by Russia and Turkey at Ackerman, “by which the Porte consents to accept the good offices of Russia to the effect of granting a passage into the Black Sea to the vessels of friendly powers which have not yet obtained that privilege.” Notes that he was informed by (Pierre) d’Oubril that this
DECEMBER 25, 1826

wording was used "probably with a direct view to the interest of the United States" (cf. above, Moore to Clay, November 18, 1826). LS. DNA, RG59, Dip. Disp., Spain, vol. 26 (M31, R28). Received March 8. Section 4 of Article VII (not VIII) of the treaty provides that "La Sublime-Porte acceptera les bons offices de la Cour Impériale de Russie à l'effet d'accorder, d'après les exemples précédents, l'entrées de la Mer Noire aux Bâtiments des Puissances amies du Gouvernement Ottoman, qui n'ont pas encore obtenu ce privilège, de manière à ce que le commerce d'importation en Russie par le moyen de ces bâtiments, et l'exportation des produits Russes à leur bord, ne puissent essuyer aucune entrave." British and Foreign State Papers, 1825-1826, p. 904.

From ALBERT GALLATIN, London, no. 44. Acknowledges receipt of Clay's communication of October 31, "relative to the American brig 'Charlotte.'" Views the case as "one of great hardship," for which he does "not see that there is any remedy." Encloses a summary of the case, prepared by (William B.) Lawrence, and a copy of a letter to the owners of the vessel. ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7.

MISCELLANEOUS LETTERS December 25, 1826

To N[ATHAN] SANFORD, "Chairman of the Committee of Foreign Relations of the Senate." Transmits, "for the information of the Committee," a translation of the note (above), dated September 26, 1826, received from the Baron Stackelberg; states that negotiations for a new treaty have been prevented by the death of (William C.) Somerville, by the "unavoidable delay in the arrival of his successor [John J. Appleton] at Stockholm and by expectations that Baron Stackelberg would have been charged," by Sweden, to conduct the negotiations at Washington. Copy. DNA, RG59, Report Books, vol. 4, p. 188. The same letter, bearing the same date, was addressed to G(ideon) Tomlinson, "Chairman Committee of Commerce, H. of R." Copy, in House Reports, 19 Cong., 2 Sess., no. 36, p. 2.

To GIDEON TOMLINSON, "Chairman of the Committee of Commerce H. R." Returns "the draft of the proposed bill, in relation to our commercial Intercourse with Sweden, with the suggestion of two small amendments." Points out that "The bill thus altered does not go as far as would have been desirable, since it does not fully meet the liberal determination of the King of Sweden, as communicated in the note of the Baron Stackelberg of the 26th. September last, a translation of which is sent herewith. . . ." Concludes that "perhaps, no practical inconvenience may be experienced, until the treaty is renewed, if the bill shall be passed in the limited shape contemplated." Copy. DNA, RG59, Report Books, vol. 4, p. 189. Published in American State Papers, Foreign Relations, VI, 367.

On January 5, 1827, Tomlinson, for his committee, presented a bill to exempt Swedish and Norwegian vessels, and their cargoes, from the payment of discriminating duties of impost and tonnage for a limited time. The measure was enacted on February 22. U. S. H. of Reps., Journal, 19 Cong., 2 Sess., 126; 4 U. S. Stat., 206.

From H[ENRY] DWIGHT and others, "Geneva, Ontario County, State of New York." Transmit copies of a resolution adopted at a public meeting and of a petition to Congress; solicit Clay's aid. LS, by Dwight and eight others. DNA, RG59, Misc. Letters (M179, R64). The enclosures relate to a proposal for a
national road from Washington "to Great Sodus Bay, on Lake Ontario." A resolution of the House of Representatives in December, 1828, called upon the Secretary of War to present a report concerning such a route "from ... Washington to the northwestern frontier of the State of New York." After receiving the report, the House referred it to committee, subsequently ordered it printed, but took no further action. U. S. H. of Reps., Journal, 20 Cong., 2 Sess., 92, 96, 105, 389; House Docs., 20 Cong., 2 Sess., no. 38. Dwight, born at Springfield, Massachusetts, graduated in 1801 from Yale College, and ordained in 1813 as a Presbyterian minister, had settled at Geneva around 1817, after a voice impairment had necessitated a change in occupation. While continuing active in church work, he became a successful banker.

APPLICATIONS, RECOMMENDATIONS December 25, 1826

Moses Myers, Norfolk, recommends Reuben Harvey for appointment as consul at Cork, Ireland. ALS. DNA, RG59, A. and R. (MR2). Cf. above, Cropper, Benson, and Company and others to Clay, November 7, 1826, note. Myers, long a prominent merchant of Norfolk, became collector of customs for that port from 1828 to 1830.

MISCELLANEOUS LETTERS December 26, 1826

To [John Quincy Adams]. In response to two House resolutions of December 19 (U. S. H. of Reps., Journal, 19 Cong., 2 Sess., 70, 74), referred to Clay by the President, requesting information relative to negotiations concerning (1) the recovery of "runaway negro Slaves ... which have taken refuge in the Territories" of Mexico, (2) determination of a boundary line between the United States and Mexico, and (3) "measures ... taken with the Government of Mexico to enable citizens of the United States to recover debts from those who have fled from the United States," reports that "a Treaty has been signed ... embracing ... an article in relation to one of" the two subjects first mentioned, "but as the Treaty has not been ratified nor rejected ... , it is respectfully submitted that it would be premature now to disclose the purport of that Article"; that "it would be still more premature ... to communicate at this time, what has passed between the two Governments in relation to the other of the two subjects above mentioned, there being yet in progress a negotiation concerning it"; and that, "In respect to the recovery of debts from those who have fled from the United States to the territories of Mexico, although reports have reached this Department that the Laws, in the adjoining province of Texas, interposed obstacles to such recovery, those reports have not been substantiated in such manner as appeared to the Secretary of State would justify a formal application to the Mexican Government to remove those obstacles." Copy. DNA, RG59, Report Books, vol. 4, pp. 189-90. Published in American State Papers, Foreign Relations, VI, 366. Cf. above, Clay to Poinsett, March 26, 1825; Poinsett to Clay, July 12, 1826 (no. 50). Article 33 of the proposed treaty called for detention and return of fugitive slaves and criminals.

mendations from the Department files. LS, in DNA, RG59, A. and R. (M531, R2). The nominations of Kennedy and Dabney, who already had received interim appointments (see above, Clay to Kennedy, November 1, 1826; Clay to Dabney, November 3, 1826), were approved by the Senate on January 3, 1827.

From John Wurts. Inquiries, in response to a request “from a mercantile house in Philada.,” whether “James H Keating has been appointed consul for the port of Santa Martha.” ALS, DNA, RG59, Misc. Letters (M179, R64).

On December 27, Daniel Brent informed Wurts that the consular vacancy at Santa Marta had been filled otherwise. Copy, in DNA, RG59, Dom. Letters, vol. 21, p. 443 (M40, R19). Cf. above, Sever to Clay, August 5, 1826, note.

APPLICATIONS, RECOMMENDATIONS  December 26, 1826


Charles I. Gayler, Washington, refers to his earlier letter (above, December 23, 1826), enclosing that of his father-in-law, Peter Burt (above, September 26, 1826); states that he has called at Clay’s office but has “as yet ... been deprived the Honor of an interview”; again solicits appointment “to fill any vacant situation (not menial).” ALS, DNA, RG59, A. and R. (MR2).

DIPLOMATIC NOTES  December 27, 1826

To Charles R. Vaughan. Informs him of the ratification of “the Convention concluded ... at London on the thirteenth day of November last” (cf. above, Gallatin to Clay, November 13, 1826). Copy, DNA, RG59, Notes to Foreign Legations, vol. 3, pp. 318-19 (M38, R3). AN draft, in CSmH. On this same day Vaughan acknowledged receipt of Clay’s note. LS, in DNA, RG59, Notes from Foreign Legations, Great Britain, vol. 14 (M50, R15).

INSTRUCTIONS AND DISPATCHES  December 27, 1826

From J. M. Kankey, Barbados. Reports that he has been “called to the United States by business of importance” and that he has appointed Alexander Briggs (not further identified) to act in his absence. ALS, DNA, RG59, Cons. Disp., Barbados, vol. 1 (M-T333, R1). Received February 7, 1827.

From J[ool] R. Poinsett, Mexico, no. 66. Transmits a copy of his note to the Mexican Secretary of State (Juan José Espinosa de los Monteros) “on the subject of the augmentation of duties on American Cotton shirtings”; notes that the measure “is unjust and oppressive” but that it is not confined to American goods alone; encloses a copy of his communication to the American consul at Veracruz (William Taylor) on this subject. LS, DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3).

From Beaufort T. Watts, Bogotá, no. 22. Reports that, “whilst [Simón] Bolivar was hastening to the scene of revolt,” civil war began in Cumana (cf. above, Williamson to Clay, November 25, 1826); comments that “Nothing but the presence of Bolivar, it is feared can save the Nation from intestine war;
and notes the animosity of the two divisions of the Republic (New Granada and Venezuela) toward one another, the apprehension "that a separation will be inevitable at some future period, if not now," and the belief "that it is only by the force and talent of Bolivar that the Union can be sustained." Adds: "The Congress of the Republic, probably will not convene—Bolivar consequently will continue invested with supreme powers." ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received February 10.

From Beaufort T. Watts, Bogotá. Requests "leave of absence for a few months" on account of ill health, adding, "The business of the Legation is . . . inconsiderable, all of which I hope soon to settle. . . ." ALS. Ibid. Endorsed by clerk: "with Beaufort T. Watts' No 22."

From Beaufort T. Watts, Bogotá, no. 23. Transmits a copy of his note to the Minister of Foreign Affairs (José Manuel Restrepo) "relative to . . . suspicion of persons implicated in the murder of H. E. Fudger . . ." (see above, Watts to Clay, July 19, 1826). ALS. DNA, RG59, Dip. Disp., Colombia, vol. 4 (M-T33, R4). Received February 10.

MISCELLANEOUS LETTERS

December 27, 1826

To Samuel Houston and James K. Polk, House of Representatives. States that their letter of December 26 (not found), "communicating the wish of Mr. C. W. Webber" for an appointment "shall all be laid before the President." Copy. DNA, RG59, Dom. Letters, vol. 21, p. 443 (M40, R19). Adams named Charles W. Webber, of Tennessee, as consul at Chihuahua, Mexico, in March, 1827.

From Samuel L. Southard, "Navy Department." Asks to be informed of any correspondence between the (State) "Department and the Governor of the State of Georgia, in relation to a number of Africans (about 40) seized in that State several years since and advertised to be sold, and whether any sum of money was paid, under the authority of the late President Monroe, for their support, on condition of their being delivered to the United States" and requests "a copy of that Correspondence." Encloses "an extract of a letter from the District Attorney of the United States on the subject." LS. DNA, RG59, Misc. Letters (M179, R54).

The enclosure reveals that in reference to these Africans, "seized under the Act of Congress of December 1807", an act of the Georgia legislature in 1817 had authorized the Governor to sell, for the benefit of the State, "all negroes brought into the State Contrary to the laws of the U. States," or, under certain conditions, to turn them over to the (American) Colonization Society for transportation to Africa "or any other foreign place which they may procure as a Colony for free persons of color." The district attorney (Richard W. Habersham) thinks "some correspondence did pass between the Society and the Governor," but he does not know the outcome.

From Gideon Tomlinson, House of Representatives. Acknowledges receipt of Clay's "letter explaining the reasons why the treaty therein mentioned has not been renewed, together with a translation of the Baron de Stackelberg's official note . . ." (cf. above, Clay to Sanford, December 25, 1826, note). Suggests "that both letters ought to be printed, for the information of the House, when it shall act upon the bill," that the Committee of Commerce will, presumably, direct him "to report, to meet the emergency." Asks, if Clay sees
"any objection to the printing of the letters," that this view be stated "in the course of tomorrow." ALS. DNA, RG59, Misc. Letters (M179, R64).

APPLICATIONS, RECOMMENDATIONS December 27, 1826

A[braham] B. Lindsley, Washington, solicits appointment as an agent "to distribute the Laws of the United States, which may be passed at the present session of Congress, throughout the Union." ALS. DNA, RG59, A. and R. (MR3).

John McKim, Jr., Baltimore, anticipating passage of "a Bankrupt Law . . . during the present Congress and that a Commissioner for Eastn District will be Required, of Legal Knowledge," solicits Clay's aid in behalf of McKim's son-in-law, William H. Marriott of Annapolis. ALS. Ibid. Marked, "Private." On the proposed bankruptcy law, see above, Shaw to Clay, August 27, 1826, note. Marriott, a member of the class of 1820 at St. John's College, Annapolis, had married Jane McKim. He held the post of collector of customs for the District of Baltimore from 1844 to 1850.

To Albert Gallatin

No. 16. Albert Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to Great Britain.

Sir, Department of State Washington 28th Decr. 1826.

As stated in my Letter of the 11th. Ultimo, you will perceive, from the President's Message, at the opening of the present Session of Congress, (a Copy of which with the accompanying documents is herewith transmitted) that he has referred the subject of the British Colonial Intercourse to the Legislature, without the recommendation of any specific countervailing measure.¹ There is no doubt, however, that some such measure will be adopted. What it will be, can only be matter of conjecture, at this time, as there has been no report from a Committee in either house, and no expression of the opinion of either. It will probably be one of two measures, that is, either,

1st. To close our ports against British Vessels coming from ports which are shut against ours, including those ports in our neighbourhood which are left open by the British order in Council; or,

2dly. To establish a total non intercourse with the British American Colonies, West Indian and Continental.

The first measure would affect the British Navigation only. As by the order in Council the American Navigation is excluded, the result of the adoption of those two measures would be a mutual exclusion of the navigation of the two Countries, leaving the trade with the Colonies open. That trade would be carried by third powers and most probably entirely by Denmark, as Danish Vessels,
under our late treaty, which has but few if any vessels. In this state of things the British Government would probably acquiesce permanently, upon the ground that it would be more conformable to their policy that third powers, and especially Denmark, should employ the navigation engaged in the trade, than that the United States should; and that if the intercourse were opened on terms of reciprocity [sic], the United States would engross the navigation. That view of the subject may possibly lead Congress to adopt the second, which is undoubtedly the stronger, measure. Whatever measure may be adopted, it is probable that the Law, which provides for it, will specify the conditions on which Congress is willing to consent to the trade, and that its operation will be postponed to a day sufficiently distant to enable the British Government to judge of those conditions and decide on them.

The subject thus being in the possession of Congress, it is not thought by the President to be necessary to give any instructions at this time on the question which in your despatch of the 27th. October last you express a wish he would consider, that is, whether it be possible for this Government to accede to the terms of the British acts of Parliament, as you understood them. That question will be considered by Congress, in their deliberations on the whole subject, and the act which they may pass, may present such conditions as the British Government will find to be satisfactory, or if not, it may furnish the basis and the occasion for a new negotiation. The President is more inclined to abstain from deciding the question which you have stated in the above mentioned despatch, until Congress shall have acted, because from the tone and temper of Mr. Canning's note of the 11th. September last, he perceives no reason whatever to expect that any adjustment of the matter can be made at present with the British Government by negotiation.

I am, respectfully, Your ob: Servant

H. CLAY

LS. NHi-Gallatin Papers (MR14). Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 223-25 (M77, R6); AL1 draft, in DLC-HC (DNA, M212, R8).

1 In his message of December 5, 1826, Adams had concluded his discussion of this subject by stating that "The refusal . . . of Great Britain to negotiate leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country, and with that exclusive object I would recommend the whole subject to your calm and candid deliberations." Richardson, Messages and Papers, II, 355.

2 Above, April 26, 1826.

3 Cf. above, Convention, December 5, 1825.

4 The Senate and the House failed to agree on the desired legislation before adjournment on March 3, 1827. The Senate measure proposed to close American ports to "any and every vessel" arriving from the listed British colonies; House amendment would have provided for re-institution of the more limited restrictions of the acts of 1818 and 1820 (see above, II, 565-66n; III, 729n). Register of Debates, 19 Cong., 2 Sess., 399-402; U. S. H. of Reps., Journal, 19 Cong., 2 Sess., 366, 377, 384-85, 392.

5 The word was "understand" in Clay's draft.

6 Cf. above, Gallatin to Clay, September 14, 20, 1826.
From Christopher Hughes


[Encloses a newspaper account of, and discusses the reasons for, the action "of the Lower House of the States General" in rejecting "the Budget; at least, ... the vital part of it; i.e. the appropriations for 1827."]

Mr. Gallatin & Mr. Brown¹ must send you accounts, so much more direct and authentick, touching the important questions & concerns of England—Portugal—Spain & France than any I can be able to forward, that I have not written to you as frequently, as I was wont to do! besides, I am, as yet, a sort of stranger among my Colleagues; and though I am gradually gaining upon their good will and confidence, yet the scale is great here; and the contact not so frequent as where the circle is smaller. At first, I thought I discovered a sort of shyness with some of them; and the fact is, my predecessor² lived so entirely alone & retired, that many of the Foreign Ministers scarcely knew him at all; and his unfortunate Book³ left a coldness, if not a displeasure, on the minds not merely of the members of the diplomatic corps, but with the leading public men & nobles of this country; all which made up-hill-work & has been felt by his successor; a personnage, in whose official success, and social comfort, the underwritten, may be allowed to take no small concern & interest! However, I am breaking ground before me every day; and during the last two or three weeks, I perceive an evident thaw, not merely among my Colleagues, but among the indigenous Great-Men; & as I mean to go on, in the exercise of what Mr. Adams⁴ did me the honour, some years ago, to call my "Winning Ways," and have not the least intention of dragooning people into a good humour, I do not at all despair of making, ere long, a victorious establishment, of my sacred self, in the hearts & confidence, of all, who may be worth gaining over to the opinion, that there is some good stuff, in the Composition, of your Sincere frd. & obedt. Servt

CHRISTOPHER HUGHES.

P S. I do not know, if you recollect, a tall, long-legged stripling [sic] of a man, a good hearted fellow, whom we used to call at Ghent, "the Sword of Charlemagne"? His name is Charles Maelcamp.⁵ He has just bounded into my room; hugged & kissed me most lustily;—told me all his story; married a Rich widow, with an immense fortune, and Noble Chateau, a few leagues from Brussels; passed over in quick review all the chief events of the Congress;⁶ swore that he saw Mr. Adams give Made. Van Canigham⁷ the identical pen, which was used to Sign the Treaty; that the Americans are the finest people in the world; wants me to come, hose [sic] &
foot, & stay at his Chateau; says that he has kept all the notes of
invitation & visiting cards of "Your Excellencies," besides sundry
notes & memoires of his own matters during the congress, for the
benefit of his posterity; (though he acknowledg'd, on my question­
ing him, that he has not yet found out the fertile spot of his widow:)
and required a solemn promise of me, to send you, & to Mr.
Adams, the assurances of his most affectionate & respectful recollections & sentiments! With which, I hereby have the honour most
scrupulously to comply!

We beg to add our very kindest messages to Mrs. Clay! Mr.
Brown writes to me very often & very interesting letters. Mr.
Gallatin wrote me last week, that "the temper of John Bull is not
good," in his negotiations; but if John gets into business, in the
peninsula, he may become less ferocious! The general opinion is,
however, that there will be no war; my own is that a hollow,
temporary arrangement will be made; things will be skinned over;
& in about 8 or 12 months, there will be a general explosion in
Europe.

Sir C. Bagot, with whom I live on the most agreeable terms,
desires to be most particularly remembered to you; and I, by you!
27th. Decr. ever & most truly yrs. C. Hughes


ALS. DNA, RG59, Dip. Disp., Netherlands, vol. 8 (M42, R12). Received March 19.

1 Albert Gallatin; James Brown. 2 Alexander H. Everett.

3 Europe: or, A General Survey of the Present Situation of the Principal Powers;
with Conjectures on Their Future Prospects, by a Citizen of the United States (Boston,
1822). The work had presented argument for a united Europe, even if to be achieved
by Russian conquest of western Europe or through domination by the Roman Catholic
Church. The author had also hailed the "emancipation" of American colonies from
Spain and Portugal, had expressed indignation at the policy of the European powers
 toward Italy and Greece, and had described "the distress in England," which he
attributed to the unequal distribution of property.

4 John Quincy Adams. 5 Not further identified.

6 Probably the negotiations at Ghent.

7 Cf. below, Hughes to Clay, November 27, 1844. The Van Canighams (or Van
Caneghems, as cited by Adams, Memoirs, III, 128) not further identified.

8 Cf. above, Gallatin to Clay, December 13, 1826. 9 Charles Bagot.

INSTRUCTIONS AND DISPATCHES "December 28, 1826

To Albert Gallatin, London, no. 15. Acknowledges receipt of dispatches
numbered 13 to 25 (September 22-November 14, 1826, the last document,
a routine acknowledgment of receipt of Treasury bills, omitted by the editors),
"together with the Convention concluded . . . on the 13th. Ult. which
accompanied No. 23 [November 13, 1826]. . ." States that the Convention was
ratified on December 27; that "On that same day . . . [Clay] officially notified,
Mr [Charles] Vaughan that it was ratified . . . [by the United States], and
consequently within twenty days from that time, the first moiety of the gross
sum stipulated to be paid by the British Government will become due and
payable"; and that "Mr Vaughan has made arrangements with the Bank of
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the U. States to negotiate his bills for the amount” and with Clay’s help “obtained very favorable conditions” (cf. above, Clay to Biddle, December 20, 1826; Biddle to Clay, December 22, 1826). Requests that Edward Wyer, the bearer of the American ratification and of this dispatch, be speedily returned to the United States with the British ratification and Gallatin’s dispatches. Notes that “The President will communicate the Convention to Congress in order to enable it to pass a Law constituting a Board for the distribution of the fund among the claimants, contingent on the ratification of the Convention by Great Britain.” LS. NHi-Gallatin Papers (MR14). Copy, in DNA, RG59, Dip. Instr., vol. 11, pp. 225-26 (M77, R6); ALI draft, in DLC-HC (DNA, M212, R8).

The British ratified the Convention on January 31, 1827, and Wyer returned, with the certificate of exchange, on March 19. As early as January 16, President Adams submitted copies of the Convention to the House and Senate and requested legislation requisite for distribution of the sum “already paid” and that later “to be received.” Such a measure was enacted March 2, 1827. U.S. Sen., Journal, 19 Cong., 2 Sess., 102; 4 U. S. Stat., 219-21.

From J[ohn] J. APPLETON, Stockholm, no. 7. Transmits a “collection of Papers relative to the sale of the Swedish men of war in the year 1825” (cf. above, Appleton to Clay, December 1, 1826) and comments on each of the eleven documents enclosed. ALS. DNA, RG59, Dip. Disp., Sweden and Norway, vol. 5 (M45, R6).

From ALBERT GALLATIN, London, no. 45. Encloses a copy of a note he addressed to (George) Canning in accordance with Clay’s dispatch of November 11 (1826). Explains that “The case of the Jubilee,” mentioned in the Note, was one of salvage, in which Lord Stowell (Sir William Scott) gave a decision in conformity with an Act no longer in force; neither that sagacious judge or the learned Counsel, all on the spot, having known that it was repealed, or thought of seeking for such a repeal, in the act of 5 July 1825 (6 Geo. IV ch. 105) ‘to repeal the several laws relating to the customs’; the very act by which was also repealed the act of 1822, which regulated the intercourse between the United States and the British Colonies.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7. Copy, in NHi-Gallatin Papers, Letterbook, vol. 14, p. 34 (MR20).

In his note to Canning, Gallatin had adverted to the acts of Parliament of July 24, 1822, and July 5, 1825, and had added: “The intricacy of those several acts, and the difficulty of understanding their precise meaning, of ascertaining what parts of former acts were actually repealed and what still in force; a difficulty which, in the case of the ‘Jubilee,’ seems to have led into error even one of the highest tribunals of Great Britain, may well account for the construction put upon those Acts in the United States: affording at the same time a sufficient reason, for having preferred a renewal of the negotiations to a pure acceptance of the conditions, contemplated by the act of the 5th of July 1825, (6 Geo. IV ch. 114) had it been only for the purpose of ascertaining the true intent and meaning of the Act.”

Scott had been named Baron Stowell of Stowell Park in 1821. In his decision on the Jubilee, delivered July 7, 1826, he had expressed a desire to award the salvors “the utmost that the Court has ever awarded” but found himself limited by consideration that little would “be left for the owners, as the part reserved to them . . . [was] not privileged as to duty.” 166 English Reports 323-24n (3 Haggard, Admiralty 45n). The report of the case here
cited does not mention any specific legislation under which Judge Stowell ruled. If he acted under 1 & 2 Geo. IV, c. 75, sec. 38, which required sale of salvaged goods free from payment of duties to the extent necessary for recompense to salvors for their expenses, Gallatin presented a valid argument, for that legislation had been repealed under 6 Geo. IV, c. 105, sec. 351. But the ruling may have been given under 6 Geo. IV, c. 107, sec. 47, which on July 5, 1825, the same date as the statute of repeal, had re-enacted the provision for abatement of duties on salvaged goods to an amount sufficient to recompense the salvors. Question exists whether Gallatin knew the basis of the court’s ruling or whether he knew of the subsequent legislation. Cf. Miller (ed.), Treaties . . . , VI, 142.

The statute which regulated trade between British possessions in America and the West Indies with other places in America and the West Indies (3 Geo. IV, c. 44) had been repealed by 6 Geo. IV, c. 105, sec. 359.

From Robert Monroe Harrison, Antigua. Forwards, in anticipation of Congressional interest in the subject of trade with the British colonies, “a statement of the quantity of American produce &c imported into this Colony, [in so far] as could be obtained under such circumstances as . . . [he has] been permitted to reside here! (humiliating enough indeed, . . .)” Complains that masters of American vessels do not file papers with him. Predicts that the local merchants and owners of small craft will benefit from the ports being closed (cf. above, Gallatin to Clay, August 19, 1826), while the planters will “be ruined.” States that French merchants see a connection between (George) Canning’s recent visit to France (cf. above, Gallatin to Clay, September 4, 1826, note) and the closing of the British colonial ports. Declares: “The sole object of the British Government is to ascertain [sic] the possibility of the Colonies getting their supplies any where else but from us . . . .” Renews his application (above, January 5, September 20, 25, November 23, 1826) for appointment “to St Barts in the event of no arrangement with the English . . . .” ALS. DNA, RG59, Cons. Disp., Antigua, vol. 1 (M-T327, R1). Received February 4.

MISCELLANEOUS LETTERS December 28, 1826

From Edward Everett, “House of Representatives.” Cites a House resolution (dated December 14; U. S. H. of Reps., Journal, 19 Cong., 2 Sess., 55), directing “the Committee on the library . . . to enquire into the expediency of adopting measures to procure from the different public Offices in England Copies of such papers And documents, As may be of value in relation to the history of Our Country.” Refers to a message of Governor (George M.) Troup to the Georgia Legislature that seems to indicate “that a correspondence has taken place between the Governments of the United States & Great Britain, On the subject of procuring historical documents . . . .” (cf. above, Rush to Secretary of State, March 16, April 11, 19, 1825). Requests, under instructions from his committee, “copies of any such correspondence. . . .” ALS. DNA, RG59, Misc. Letters (M179, R64). On January 3, Clay transmitted the requested copies of correspondence. Copy, in DNA, RG59, Report Books, vol. 4, pp. 190-91.

From Stephen Pleasonton. Transmits, in response to a House resolution of December 11, enclosed in Daniel P. Cock’s letter (to Clay) of December 20, a copy of his own letter of May 6 to Clay, “together with a statement from the Register of the Treasury, of such of those claims as remain unpaid for want of

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AUGUSTUS JOCELYN, Brookville, Indiana, solicits appointment to continue publishing the laws in the (Brookville) Franklin Repository. ALS. DNA, RG59, P. and D. of L. Cf. above, Hutchens to Clay, November 11, 1826, note.

To James Calwell

Dear Sir

Washington 29h. Decr 1826

I had not failed, prior to the receipt of your favor of the 22d. instant,¹ several times after my return to this City, to mention to the Secy. of War² your desire to have one of your sons³ admitted at West point, and my wish that you should be gratified. And I again renewed the subject this day. He professes (and I believe entertains sincerely) a disposition to comply with your wish, but says that there is great, if not insuperable, difficulty in consequence of the necessity of observing certain principles in the distribution of that species of appointment.⁴ I will continue to keep him reminded of your desire, and I need not, I trust, assure you that it will afford me particular satisfaction if you can succeed in your object.

I will deliver your message to Mess Barney and Little.⁵ I thank you for your friendly invitation to visit you again. I look back with much pleasure upon the agreeable days I passed last summer with you,⁶ and I fondly cherish the hope of being able to spend many more in your healthy region.

I pray you to remember me to Mrs. Caldwell [sic] and your kind family, and believe me Cordially & Sincerely Your friend &c

James Calwell Esqr

H CLAY

ALS. ViHi. ¹ Not found. ² James Barbour. ³ Calwell and his wife, née Mary Bowyer, had twelve children. James H. Calwell (Caldwell) was admitted to the United States Military Academy in 1827 but was not graduated. ⁴ Barbour summarized his rules for making appointments in a report to the House of Representatives, dated February 28, 1828, published in American State Papers, Military Affairs, III, 794. He stressed particularly the distribution of appointments in relation to congressional districts, with two additional for each State to equal the combined number of Senators and Representatives, a policy which had been prevailing practice for some time. White, The Jeffersonians, 256. ⁵ John Barney; Peter Little. ⁶ See above, Clay to Johnston, August 24, 1826; Clay to McClenachan and others, August 24, 1826; Clay to Brooke, August 28, 1826; Account, August 30, 1826.

To [Henry C.] Carey and [Isaac] Lea

Gentlemen

Washington 29h. Decr. 1826

I received your favor of the 14h. inst.¹ I should be very happy
to contribute to your Review, and especially an article on the pamphlet to which you refer, and which I have received from England. That work abounds in error to such an extent that I can hardly suppose the conjecture correct that it has had the sanction of the British Ministry. Whatever may be its origin it deserves exposure and severe animadversion. All that I dare promise is that if I can command the time after the close of the present Session of Congress (earlier is impossible) I will endeavor to prepare something on the Subject. I am respectfully Yr. ob. Servt. H. Clay Mess. Carey & Lea.

ALS. DLC-Ewing Family Papers. 1 Not found.

1 On January 1, 1827, Robert Walsh, Jr., wrote John Quincy Adams, explaining that he was the editor of the newly established *American Quarterly Review,* to be published by Carey and Lea. Walsh noted that the publishers had requested for their first issue an article from Clay in answer to the argument recently published in England in pamphlet form, an allusion to publication of a speech of May 12, 1826, by William Huskisson, in reference to British navigation laws. Noting that Clay had found it "out of his power to provide one [the desired paper], until after the present session of Congress," Walsh suggested that Adams was best prepared to write on the subject but, recognizing that the President would not "have either leisure or inclination for the purpose," inquired whether he knew someone else who might. Subsequent correspondence shows that Adams himself prepared the desired statement, published in the third issue of the *American Quarterly Review,* II (September, 1827), 267-306. See Adams to Walsh, May 2, 14, July 27, August 14, 24, September 19, November 8, 1827; Walsh to Adams, August 8, 1827, all correspondence in MHi-Adams Papers; and cf. Adams, *Memoirs,* VII, 239, 242, 254.

From James Brown

Paris Decr 29. 1826

My dear Sir,

In my despatch marked "private" which was sent by the Packet ship which sailed from Havre on the 25. I gave you my views of the events passing in Portugal and of the probable consequences of them on the state of the relations of England and France. Nothing has occurred since to change the opinion I then expressed that this continent would remain in peace. The prompt and decided measures taken by the British Cabinet to aid Portugal, the unanimity with which the measures were adopted, and the apparently firm and frank manner in which the French Ministry gave their approbation to the course pursued by Great Britain, have given a salutary check to the fanatical party, and much satisfaction to the great body of the French people. The British Ambassador at Madrid had demanded that Spain should within a limited time either acknowledge the Portugueze [sic] Regency and Constitution or give him his passports and little doubt was entertained on the 19 as to the alternative she would chuse. How far she will be able to prevent the intrigues of his [sic] Monks and Priests from disturbing the peace of the Peninsula is still a question of some importance of which time alone can afford a solution.
The Apostolical party here, which has greatly increased in numbers, wealth and influence since the death of the late King, is said to be greatly displeased with the Ministry for their conduct in relation to Spain and Portugal. It is not improbable that some sacrifices [sic] may be made of a nature to propitiate them, and indeed the project of a law to abridge the liberty of the Press which you will find in the Constitutional, is said to have been presented to the Chamber of Deputies for that purpose. It will pass the popular branch by a large majority but will either be rejected or much amended in the Chamber of Peers. The Courts have lately been unusually severe in the trials of libels, and from the number of convictions upon what we should consider as very inadequate grounds one would suppose that the press was already under restraints sufficiently severe.

The ultra party are delighted with the news from South America. The adoption of Constitutions making the President eligible for life with the power of appointing his successor is, they say, one step towards a well ordered system; and the conduct of Bolivar, in proposing that form of Government, and accepting the Presidency of Peru, they consider as the prelude to declaring himself Emperor of all South America. I fear the South Americans will rather disgrace than add lustre to Republican principles. Their bigotry [sic] and ignorance must for some time render them very unfit administrators of the public interests. The Courts of Europe have now opened relations with them by means of Commercial agents, and these will use every means to disgust them with Democratic institutions, and to induce them to prefer monarchies.

I hope the result of the Elections by proving that the people are satisfied with Mr Adams will have the effect of allaying the violence of the opposition and enabling the Administration to pass more quietly on its journey. The two Packets of the 1st. and fifth Inst have not arrived and consequently we have no letters or papers later than the 15 Novr. I have not heard from Mr Gallatin for some time. I am afraid he will find much trouble in settling his affairs in England.

Our friend Lafayette seems to have profited by the advice of his friends in Washington—He has been very quiet and consequently very happy since his return from the U States.

Mrs. Brown enjoys fine health and joins me in requesting you to make our affectionate greetings to Mrs. Clay with the Compliments of the Season. I am Dear Sir very truly Your friend & Obedt Servt. Hon. Henry Clay Secr of State.

James Brown

ALS. DLC-HC (DNA, M212, R2).

1 Above, December 23, 1826.
2 Cf. above, Everett to Clay, December 18, 1826.
3 Louis XVIII.
4 The Paris (France) Constitutionnel.
From Lafayette

My dear Sir

La Grange December 29th 1826.

After having passed a very pleasing Summer in this rural abode, we have been lately afflicted with a sad calamity, the death of Louis Lasteufre¹ (husband to my daughter Virginia, and father to four children), whom we have lost after a cruel illness of two months. You are but too well acquainted with the feelings of family mourning, and will sympathise in our regrets. The so very strange murder of Doctor Brown² has given me much pain not only from motives of friendship to his brother and other relations, but on account of my personal acquaintance with him and his amiable family.

You are now in the midst of congressional debates. I much wish they may relax of the unusual bitterness that has marked the last session. The choice of Mr Poinsett to the Congress of Panama³ has afforded me great pleasure as he well knows the concerns of South America and Mexico, including those of Guatemala [sic], and will be a good adviser of republican measures, as well as a guardian against European influence. How do you find Mr Canning’s assertion in the British parliament that he Mr Canning has called to existence the new republics of the American hemisphere?⁴ When it is known by what example, what declaration, and what feelings of jealousy the British government has been dragged into a slow, gradual, and conditional recognition of that independence.⁵

Gallant Greece is still struggling against the Ottomans and Egyptians; whatever has been the revolutionary tone of the British prime minister,⁶ and in spite of the counter revolutionary, [ . . . ]⁷ ultracism [sic] in France and Spain, it is well understood between all governments in Europe, that a general commotion might carry them on a ground not very favourable to the interests of aristocracy and despotism; so that as long as they can keep the nations within the bounds of ancient institutions, or at best of old and new octroyed charters, they will ever ultimately find means to patch up every political question that may annoy European slumbers.

Among the several publications relative to La Grange and its inhabitants which I have found in the papers of the U. S., there is one that I am prompted to notice as you will have, at Washington,
frequent opportunities toContradict it. The writer, with a kind intention, I don’t doubt, But Under a Complete Mistake, asserts that I am assailed By Americans in Europe, with demands for Money. Happy I would Be, to Be Sure, of an Opportunity to oblige friends in distress. But those Opportunities Have Not Been offered.

Be pleased, My dear friend, to present me Very Affectionately to Mrs Clay, your family, the president, Mrs Adams and family, Your Colleagues in the Cabinet, Gal Brown, Commodore Morris, Gal Bernard, Mr Graham, and all other friends at Washington. Be pleased also to take Care of the inclosed letter, and Believe Me for Ever Your affectionate friend LAFAYETTE

ALS. DLC-HC (DNA, M212, R2).

1 Count Louis de Lasteyrie du Saillant had married Lafayette’s daughter in 1803.

2 Preston W. Brown. See above, Clay to Brown, October 8, 1826.

3 Cf. above, Hammond to Clay, September 27, 1826, note; Clay to Brown, October 8, 1826.

4 In his speech of December 12, 1826 (cf. above, Gallatin to Clay, December 13, 1826), Canning had said, “I called the New World into existence, to redress the balance of the Old.” Hansard (comp.), Parliamentary Debates, XVI (November 14, 1826-March 22, 1827), 397.

5 Cf. above, Nelson to Secretary of State, March 8, 1825.

6 The Earl of Liverpool though a Tory Prime Minister, from 1812 to 1827, had emerged in April and May, 1826, as a supporter of corn law revision, with the argument that the price of food was a “great aggravation” of the hard times in England (cf. above, Hughes to Clay, June 14, 1826, note). Annual Register, 1826, p. 56. He had also strongly opposed the French intervention which had destroyed constitutional government in Spain (see above, II, 789n), but “not” as he carefully stated, “on abstract principles of non intervention, and the right of every nation to frame its own constitution and arrange its own internal affairs...—but because France could make out no specific case which gave her any title to interfere.” The British Government had advised Spain to compromise, “which might have taken away the motive for invasion.” Annual Register, 1824, p. 8.

7 Word illegible.

8 Niles’ Weekly Register, XXXI (November 25, 1823), 207, had carried a comment that Lafayette was “wretchedly imposed upon by numerous persons pretending to be Americans, requesting loans of money....” Cf. also, Brown to Clay, June 12, 1826. The Washington Daily National Journal on March 15, 1827, carried a letter, reprinted from the New York Evening Post, purportedly written by Lafayette “to his friends in New York,” under date of December 29, reiterating the denial that Lafayette had been subjected to such appeals and the statement that he would be happy to render aid to American travellers but that he had not been called upon for it.

9 General Jacob J. Brown; Charles Morris; General Simon Bernard; George Graham.

10 Not found.

From Thomas Yeatman

Mr. Henry Clay
Nashville Decr 29. 1826

Dear Sir

I feel much delicacy in soliciting appointments for those who may call on me for recommendations, it is not often I trouble you in this way therefore I am sure you will excuse me in the present instance

Henry Crabb, United States attorney for this district, will, I am informed resign his appointment.
Mr. Fletcher will be glad to receive the appointment, he has been a leading and popular member of the legislature of this state also States attorney for the district where he resides—if he receives the appointment he will remove here.

Mr. Fletcher is a gentleman of considerable legal acquirements, of great industry of moral and steady habits, and of superior talents [sic]. He possesses firmness, and independance [sic] in an eminent [sic] degree, as well as integrity.

He is a great friend of yours and of the administration.

He will do honor to the appointment, and by a faithful and able discharge of his duty, the interest of the government [sic] as far as relates to his business will never suffer. Owing to Mr Fletcher's independance of principle, and his not being one of the Jackson faction in this country and it also being understood that is [sic] not unfriendly to the administration, I expect the Tennessee delegation, will as usual be opposed to his appointment. We have in this place a great many attorneys, among them all, I know of none more deserving [sic] of the appointment then [sic] Mr Fletcher, and few, indeed, so worthy of it.

Should Mr F. receive the appointment, I pledge myself that he will ably and faithfully discharge the duties of his office.

If in any way you can serve Mr. Fletcher by so doing you will confer a favor on—Dr Sir Your obt St

THS. YEATMAN


1 Crabb's reappointment as United States attorney had been recommended by President Adams on December 26 and was approved by the Senate on January 12, 1827; but on January 24 Thomas H. Fletcher was nominated for the office and the Senate approved the latter appointment on February 8. Crabb, meanwhile, between December 22 and 30, had accepted a seat as judge of the Tennessee Supreme Court of Errors and Appeals.

INSTRUCTIONS AND DISPATCHES

December 29, 1826

From Thomas L. L. Brent, Lisbon, no. 36. Refers to (George) Canning's orders to (Frederick J.) Lamb to demand his passports and, two days later, “to remain [in Madrid] on condition that Spain should give satisfactory explanations of her past conduct and pledges of future good behaviour in her relations with Portugal” (cf. above, Brent to Clay, December 14, 1826; Everett to Clay, December 18, 1826). Reports that, in response to a note from Lamb, the Spanish Minister of Foreign Affairs (Manuel González Salmón) alluded to a circular issued by him on November 28 (see above, Everett to Clay, December 3, 1826) “as proof of the desire of His Catholick Majesty” (Ferdinand VII) to maintain friendly relations with Portugal and stated that his King would receive a Portuguese agent “as soon as [the] Count of Casa Flores should be restored to the exercise of his functions”; that, upon being made aware of this correspondence, the Portuguese Foreign Minister (Francisco de Almeida) invited Casa Flórez to an audience with the Regent (Isabel Maria), after which “he should be considered as fully reinstated . . . as Ambassador of His Catholick
DECEMBER 29, 1826

1053

Majesty”; that Casa Flórez accepted the invitation and expressed willingness to treat on points at issue between the two countries; and that the audience has been held. Notes the success of one corps of refugees in invading Portugal and the failure of another. LS. DNA, RG59, Dip. Disp., Portugal, vol. 7 (M43, R6). Received March 9. In an ANI, placed below his signature, Brent promised to send in his next letter the “translations of the correspondence referred to in this despatch. . . .” Cf. below, Brent to Clay, March 16, 1827, and note.

From [joe] R. Poinsett, Mexico, no. 67. States, in response to the question in Clay’s “despatch, No 14” (September 27, 1826), that his “understanding of this Article is, that we are restrained from meeting any discriminating duties which Mexico may think proper to impose in behalf of her own tonnage to the disadvantage of all other nations by countervailing duties . . . : But if the discriminating duties . . . were not general, but confined in their operation to the United States, then there could be no doubt of the right of our government to impose any countervailing duties that were thought proper.” Reviews his instructions in regard to the commercial treaty; asserts that he “used every effort . . . to induce the Mexican Plenipotentiaries to accede to the adoption of the more liberal principle of perfect reciprocity in the navigation and commerce of the two countries, and yielded the point only on the fullest conviction that this government would not consent at present to its adoption in any of their treaties.” Notes that, “in point of fact,” the question “does not appear . . . to be very important to the United States” because, in his opinion, “for the next ten years at least, the commercial marine of this country will be confined to a few coasters.” Reports sending “Mr [John] Mason [Jr.] home with the Treaty, . . . not yet ratified by the Mexican Congress,” although he does not advise that it “be first ratified by the United States. . . .” Explains that “the principal reason for sending that gentleman home just now is, that he may converse . . . fully upon our relations with this country.” Expresses the hope that “there will be no objection to” his “private Secretary, Mr. Edward T. Tayloe, acting as Secretary of Legation until Mr. Mason’s return.” Adds that, despite discord arising from “The Constitutions of the different States” of Mexico, “this confederation may be considered as tranquil and prosperous.” LS. DNA, RG59, Dip. Disp., Mexico, vol. 2 (M97, R3).

MISCELLANEOUS LETTERS

December 29, 1826


To THOMAS FINLEY, Baltimore. Informs him that “a Commission appointing” him “Marshal of the United States for the District of Maryland, has just been forwarded . . . to Mr. [Elias] Glenn. . . .” Copy. DNA, RG59, Dom. Letters, vol. 21, p. 445 (M40, R19). A copy of the letter of transmittal to Glenn, of this date, is located in ibid., 444. Finley’s acceptance is dated January 9, 1827. ALS, in DNA, RG59, Acceptances and Orders for Commissions (M-T645, R2). Cf. above, Williams to Clay, October 22, 1825, note.

From RICHARD B. MAGRUDER, Baltimore. Inquires where and how long (John) Sergeant will be in South America. Explains that Sergeant’s testimony is urgently needed in a suit to be tried in the United States Circuit Court of
Maryland. ALS. DNA, RG 59, Misc. Letters (M179, R64). Magruder, an officer in the War of 1812, signs as “Solicitor of the Office BUS, Baltimore.”

On January 2, 1827, Daniel Brent replied to Magruder, supplying the requested information and suggesting that other, named, diplomatic and consular personnel of the United States in Mexico would probably be glad to execute “the commission in question, at the instance of the Branch Bank at Baltimore.” Copy, in DNA, RG 59, Dom. Letters, vol. 21, p. 448 (M40, R19).

APPLICATIONS, RECOMMENDATIONS December 29, 1826

Abiel Wood, Francis Cook, William Maxwell, and Ebenezer Hilton, from Wiscasset, Maine, recommend the Wiscasset Lincoln Intelligencer to publish the laws. ALS by Hilton. DNA, RG 59, P. and D. of L. Wood, a merchant and a native of Wiscasset, had been a member of the Massachusetts House of Representatives (1807-1811, 1816) and had served in Congress (1813-1815). Maxwell was a veteran of the Revolution. Hilton has not been further identified. The Wiscasset journal did not receive the recommended contract.

From Boyd McNairy

To Honble. H. Clay Nashville 30th. December 1826

Dr. Sir,

Your letter came to hand informing me the prospects of my son getting a birth [sic] in west point school, your attention to this matter has conferred a lasting favour— Our United States district Attorney Colo. Crabb has resigned his office: there will be great many Richmonds in the field; I dont know that I ought to say one word to your department, but I cannot remain silent having a particular friend whos. merits & qualifications are equal to any man in our country, who is desireous [sic] of the appointment. The gentleman I recommend to your attention is Thomas H. Fletcher esqr. If you can render him any service in this matter, you will confer a great obligation— Your daughters heath [sic] Mrs. Irwin is good With high respect Your friend

Boyd McNairy


1 Not found. 2 Henry Crabb.

4 Cf. above, Yeatman to Clay, December 29, 1826.

Mrs. James Erwin.

From James Overton

Dear Sir, Nashville Decr. 30th. 1826—

Some time has elapsed since we were associated by the ties of a common Country, and the feelings usually the consequence of personal and friendly intercourse, often repeated in the incidents of common life— I flatter my self however, that time alone, the
distance of our political and Geographical Situation, have been only instrumental in modifying any Sentiment, which may have been felt by you or myself, in respect to each other; and that hence you will justify the liberty I take in addressing you this letter—

The office of Attorney General for the U States, in this place, has been Vacated by the resignation of Colo. H Crabb— My Brother Jno. W. Overton is a candidate for the office; and it is my purpose to Solicit your attention & friendship towards the claims he may prefer—

My Brother is personally known to you, as also his family connections— I have the less difficulty therefore in addressing you this letter in his behalf, as from your own knowledge, and Such information as you will easily obtain from the representation from Kentucky and this State, you are not likely to want the means of judging correctly of his pretensions—

Should you find it consistent with your feelings to favour the pretensions of my Brother on this occasion, I can confidently give an assurance, that your friendship will be recollected with gratitude by himself & his connections— Connections who, are habituated from early youth justly to appreciate [sic] your claims to public & private regard, & who, in the diversified conditions in which accident may have placed them, have not failed to give expression to their feelings & opinions upon all proper occasions.

Tendering to you therefore, my best wishes for your health and happiness I subscribe myself Yr frd. J. OVERTON


1 Cf. above, Yeatman to Clay, December 29, 1826, note.

From John W. Overton

My Dear Sir; Nashville Decr. 30th. 1826.

I have known you from the earliest period of my recollection, raised and born in three miles of your residence in Kentucky; these considerations together with Others that might be named, induce me to believe, that this communication will not be entirely unnoticed. The Consideration also, that my father1 and Other relations, near Lexington, have uniformly been your Supporters, who are considerable in number and influence, assures me that my correspondencies [sic] may not be altogether unacceptable—

The object of this letter, is to inform you, that I am an applicant at this place for the Office of Atto Genl. of the United States; and if you think me worthy, I should be greatly gratified, to Obtain your Support—

I expect there will be many applications, & much attempted by
recommendation, but I shall Obtain only a few letters, from Some of my friends in this Country, and here rest my Claims—

I need not, nor will I conceal the fact, that I have been the supporter of Genl Jackson. But I have always placed you first, was Jackson out of the way,—and my Dear Sir, although many here have vented their abuse upon you, yet I have never been One of that number; for I have been bred up with the highest respect, for your name & tallents [sic]. And because you may differ with me in Opinion, about men or measures, I should not from this Circumstance dislike you, or you dislike me— Of this fact you may rest assured, that I never loose [sic] my respect for any One, because of a difference of Opinion— upon this Subject, I never permit party Spirit to warp my judgment, or to distroy [sic] those principles which are dearer than life—

I think for myself about men & measures, and if I should happen to differ with my friends, I ascribe it to the nature of man,— It is as natural for us to differ in Opinion, as to differ in Our faces, our dress, Or any thing else that relates to us— I hope therefore, that this Circumstance will have no effect upon your mind, which long since has been So much liberalized by Science and general information— I have thought proper to Say this much, on this Subject, for fear you might have entertained wrong notions of me, and because I always think it best to be frank and honest with all men.

My Dear Sir, If you Can aid me in procuring this Office, I shall feel ever grateful for it, & besides take pleasure in after time, to do any thing in my power to promote your happiness. Since living in this State, I have had many difficulties to contend with, and am now in need of Some assistance; my opponents are generally if not all, well Situated in life, and can do well enough without it; but it would be of real Service to me, and enable me to do well in life—

Any aid you can render me, I shall feel gratefull [sic] for, and I know it will afford Consolation to my aged father, who has always from my earliest rememberance been One of your warm Supporters.

Your friend Sincerely JNO. W. OVERTON

H. Clay Secretary of State


DIPLOMATIC NOTES December 30, 1826

From JOAQUIM BARROZO PEREIRA, Philadelphia. Addresses Clay "on the subject of a suit lately instituted by Richard W. Habersham, Esqre. Attorney of the United States for the District of Georgia against certain Africans, the cargo of the General Ramirez. . . ." Explains that the Africans had been taken from
American, Spanish, and Portuguese vessels by a privateer, which had placed all the blacks on board the captured "Spanish slave Brig Antelope," renamed General Ramirez. This vessel, in turn, had been captured off the coast of Florida by an American revenue cutter, which had brought it to Savannah, where the Africans had been delivered to the custody of the United States marshal. Suits by various claimants had gone through the district and circuit courts of Georgia and, "under cross appeals" to the Supreme Court, which in 1825, had rejected the Portuguese claim. Asserts that despite the circuit court decision, in May, 1821, which in sustaining the Portuguese claim had ruled that the Portuguese and Spanish claimants must pay subsistence costs "in the ratio in which the Slaves shall finally be ... divided among them" and the decision of the Supreme Court eliminating the Portuguese claim, Habersham's objective is to force the Portuguese Vice Consul, Francis Sorrell, to pay costs "in proportion to the part claimed by him as belonging to Portuguese subjects. . . ." Encloses documents relating to the matter. Requests that this communication be submitted to the President and that the district attorney be instructed to desist from prosecution of the suit. Copy. DNA, RG45, Misc. Letters Received. Enclosed in Clay to Southard, February 6, 1827. The accompanying documents indicate that the lower court, on remanded action, had exempted the Portuguese vice-consul from liability for subsistence and that the question of payment of such costs is again being presented to the Supreme Court. Cf. below, Southard to Clay, February 13, 1827, note.

The privateer, named the Columbia, had sailed under a Venezuelan commission and in 1819 had taken on a crew of thirty or forty men in Baltimore. Later, renamed the Arraganta, this vessel with its booty of slaves, had fallen prey to the Antelope. The slaves and part of the crew had been transferred to the latter vessel, renamed General Ramirez and commanded by an American, one John Smith, when captured by the United States revenue cutter, Dallas, off the American coast. Chief Justice John Marshall, in ruling on the case, The Antelope, 23 U. S. (10 Wheaton) 66-133 (February, 1825), had commented: "That Americans, and others, who cannot use the flag of their own nation, carry on this criminal and inhuman traffic under the flags of other countries, is a fact of such general notoriety, that Courts of admiralty may act upon it . . . . This long, and otherwise unaccountable absence, of any Portuguese claimant, furnishes irresistible testimony, that no such claimant exists, and that the real owner belongs to some other nation, and feels the necessity of concealment."

INSTRUCTIONS AND DISPATCHES December 30, 1826

From Albert Gallatin, London, no. 46. Attributes rumors of a British intention to attack Cuba more to popular feeling than to "the views of the Ministry," although (George) Canning did not, in conversation with Gallatin, disavow "any such intention." Repons having taken "it for granted," in this discussion, "that there was a positive understanding between the United States and Great Britain that neither should occupy that island." Notes that the only papers in his possession on that subject are Clay's "letters to Mr. [Rufus] King of 10th May, 17th and 26 Octer. 1825." States that "There would certainly have been an advantage in signing the agreement proposed by Mr Canning . . . for the purpose of binding Great Britain." Favors negotiation of a tripartite agreement, to include France, if Clay "should agree and England was of the same opinion." Asks: "In the mean while, might not a hint be given to Govr. [Francisco Dionisio] Vives to be on his guard?" ALS. DNA, RG59, Dip. Disp., Great
From ALBERT GALLATIN, London, no. 47. States that “An agreement with this Government, on the preliminary arrangements and mode of proceedings, in the reference to an Umpire of the discordant reports of the Commissioners appointed under the 5th. Article of the treaty of Ghent, must embrace two objects, Evidence and Argument.” Outlines, under these headings, his proposal to the British Commissioners. Solicits Clay’s “views on the subject.” Reports “no disposition on the part of the British Plenipotentiaries, either to attempt a compromise, or to transfer the negotiations to Washington.” Promises to “persevere in . . . efforts to obtain this object.” LS. DNA, RG59, Dip. Disp., Great Britain, vol. 33 (M30, R29). Received February 7. Published in American State Papers, Foreign Relations, VI, 672. Cf. above, Gallatin to Clay (no. 43), December 22, 1826.

From ALBERT GALLATIN, London, no. 48. Repeats his request for “instructions respecting the continued joint occupancy of the territory west of the Stony mountains” (cf. above, Gallatin to Clay, December 20, 1826); emphasizes two points: “What are the conditions which you would think desirable, or . . . necessary to be added to the former article . . . ? What are the conditions proposed or suggested by Great Britain, which you may consider as inadmissible . . . ?” States his reason for requesting definitive instructions to be his “extreme anxiety . . . not to be detained here beyond the end of the spring.” Predicts that he will have concluded, by that time, all that can be done; states that he “will ask, according to the previous understanding, leave to return” no later than August 1. Adds: “… I have laboured almost beyond my strength, and will continue my efforts to the last moment.” ALS. DNA, RG59, Dip. Disp., Great Britain, vol. 35 (M30, R29). Received February 7. Extract published in Manning (arr.), Diplomatic Correspondence . . . Canadian Relations, II, 574-75.

APPLICATIONS, RECOMMENDATIONS December 30, 1826


ANDREW HYNES, Nashville, recommends Thomas Fletcher to fill the office of district attorney of West Tennessee. ALS. Ibid.

Receipt from R[ichard] H. Chinn

[December 31, 1826]


[Endorsement on verso]2

J. M. Pike 500$ Protested Dft Paid to H Clay in July 1827. by Warner

ADS. DLC-TJC (DNA, M212, R16). Cf. above, Scott to Clay, November 21, December 25, 1826. 1 Not further identified. 2 AE by Scott.
Bill from St. John's Church  

[ca. December 31, 1826]  

DR. Hon: Henry Clay  
To St. John's Church,  
For 1 quarters Pew rent, ending 31 Decemr. 26.  
$13.—  


INSTRUCTIONS AND DISPATCHES  

December 31, 1826  

From Prosper Froberville, “Port Louis Isle of France.” Reports “the necessity of absenting” himself from the island and that, “although very few american [sic] Vessels are expected,” he will “appoint a Confidential Agent to protect” those that call. LS. DNA, RG59, Cons. Disp., Port Louis, vol. 1 (M-T118, R-T1). Received September 12. Duplicate, LS, ibid., was received September 5.

From Payton Gay, “Tenerife Sta. Cruz.” Notes that, despite difficulties presented by “our laws broken Spanish & other traders laying wait to decoy and cheat Masters and supercargoes of Vessels as they arrive,” his efforts to protect Americans have been “commonly successful”; adds that “a large proportion of the inhabitants of these Islands are very destitute and depraved” and that American trade there is “very small”; considers the consulate there “indispensable to the rights of our government” but requests a transfer to “almost any place in the consulate [sic] Office of some profit.” ALS. Ibid., Tenerife, vol. 1 (M-T690, R1). Received October 17.

MISCELLANEOUS LETTERS  

December 31, 1826  


APPLICATIONS, RECOMMENDATIONS  

December 31, 1826  

George B. Adams, Alicante, Spain, notes that (Robert) Montgomery has departed for South America to establish “himself as a merchant at Sta. Martha,” where he wishes to be appointed United States consul, and probably will not return to Spain; solicits appointment as Montgomery’s successor at Alicante. ALS. DNA, RG59, Cons. Disp., Alicante, vol. 1 (M-T357, R1). Marked, “Private.” A second application (ALS) addressed by Adams to Clay on this date, is located in DNA, RG59, A. and R. (MR1). On the requested appointment, cf. above, Cook to Clay, August 3, 1825, note.


American. See Baltimore American Commercial Daily Advertiser
American (vessel), 998-9n
American Academy of Arts and Sciences (Boston), 214
American Anti-Slavery Society, 120n
American Asylum for the Education and Instruction of the Deaf and Dumb (Hartford, Conn.), 251-2n, 295, 369n, 546
American Colonization Society, 17, 120n, 1040n
American Fur Company, 480n
American Hotel (The Hague), 790, 801, 996
American Literary, Scientific and Military Academy (Norwich, Vt.), 365n
American Medical Association, 64n
American Monthly Magazine, 101n
American Patriot. See Portland (Me.) American Patriot
American Quarterly Review, 101n, 1048n
American Statesman. See Lexington (Ky.) American Statesman
American Sunday School Union, 569n, 629n, 806n
“Amicus” (pseud.). See Livingston, Edward
Anders (brig), 1022
Anderson, —, 865
Anderson, Annita Nancy (Ann), 890
Anderson, Arthur, 890
Anderson, Elizabeth C., 890
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