Table Annexed to Article: MR Text of Prefaces to Histories Appearing in Twenty-Eight Congressionally Sponsored Multi-Volume Works with Publication Dates 1815-1861

Peter J. Aschenbrenner, Purdue University
RESOLUTION
Requiring the secretary of state to compile and print, once in every two years, a register of all officers and agents, civil, military, and naval, in the service of the United States.

Resolved by the senate and house of representatives of the United States of America, in congress assembled, That once in two years, a register, containing correct lists of all the officers and agents, civil, military, and naval, in the service of the United States, made up to the last day of September of each year in which a new congress is to assemble, be compiled and printed under the direction of the secretary for the department of state. And to enable him to form such register, he, for his own department, and the heads of the other departments, respectively, shall, in due time, cause such lists as aforesaid, of all officers and agents, in their respective departments, including clerks, cadets and midshipmen, to be made and lodged in the office of the department of state. And the said lists shall exhibit the amount of compensation, pay, and emoluments allowed to each officer, agent, clerk, cadet, and midshipman, the state or county in which he was born, and where employed.

2. Resolved, That the secretary of the navy subjoin to the list of the persons employed in his department, the names, force and condition of all the ships and vessels belonging to the United States, and when and where built.

3. Resolved, That five hundred copies of the said register be printed; and that on the first Monday in January in each year, when a new congress shall be assembled, there be delivered to the president, the vice president, each head of a department, each member of the senate and house of
representatives of the United States, one copy of such register; and to the
secretary of the senate, and clerk of the house of representatives, each, ten
copies, for the use of the respective houses; that twenty-five copies shall be
deposited in the library of the United States, at the seat of government, to
be used like other books in that library, and that the residue of the said
copies be disposed of in such manner as congress shall from time to time
direct.
4. Resolved, That for the information of the present congress, such register
as aforesaid be prepared and distributed as aforesaid, on the first day of its
next session.
[Approved, April 27, 1816.]

TABLE 112B
SERIAL SET
1817
{WORD COUNT: 6,308}

PUBLIC DOCUMENTS OF THE FIRST TO THE FOURTEENTH
CONGRESS.
SUPPLEMENTED BY A BIBLIOGRAPHICAL LIST OF ALL OFFICIAL JOURNALS,
DOCUMENTS, AND REPORTS OF THE FIRST FOURTEEN CONGRESSES, 1789-1817.
The preparation of this paper, to which the author has devoted his leisure
hours of the past five years, arose from an inability to obtain without
excessive labor information on various points of American history in the
early days of the Republic.
The preliminary remarks herewith form in large part a historical paper
which was presented to the American Historical Association in 1897.
Originally it was supplemented by a bibliography which pertained only to
the First and Second Congresses, 1789 to 1793. In its enlargement such few
omissions as have developed during the past few years relating to papers of
the First and Second Congresses have been supplied. There has also been
added—a work of labor and research—a list of the official publications of
the Third to the Fourteenth Congresses, inclusive—1793 to 1817.
It is hardly to be expected that this list should not be marked by omissions,
but inasmuch as it is the first publication that aims to give a complete list of
the early Congressional documents it can scarcely be expected that the
unaided and intermittent efforts of a single individual should produce
results of absolute accuracy. In justice it should be added that the author
contemplated a rigid and careful revision of the entire list, but exacting
official labors and responsibilities consequent upon the Spanish-American war, and later upon military operations in the Philippines, have made it impossible to give the time necessary for this verification. It now seems to be a question of either giving publicity to this document at the present time or allowing it to remain inaccessible to students of American history. This latter course, on reflection, could not be followed, since there is no period of American history which is more important in its bearings upon the success of this nation than that covered by the earliest Congresses, and it is safe to say that there is none concerning which the student and the general reader is less reliably informed.

It was the formative period of the first constitutional government known to the world, wherein the theories and declarations of the greatest document of modern times were to be transformed by the processes of discussion, interpretation, and legislation into accepted axioms and laws that should serve as fundamental bases for all succeeding constitution-making assemblies.

The declaration in the original Constitution of the United States that this Government should be “executive, legislative, and judicial,” in the form of three coordinate branches, was viewed as a demagogic phrase by most European statesmen, and it must be admitted that this opinion was shared by many Americans. Slowly but steadily, through legislative proceedings, executive action, and judicial decisions, these three coordinate branches evolved he means and methods by which the action of each of the triune constitutional powers could be fully exercised without impairing the efficiency or the freedom of the others.

Nowhere are the struggles and differences incident to this evolution more concretely or clearly set forth than in the pages of the Congressional documents of the early years of the Republic, say from the adoption of the Constitution, in 1789, to 1812, which cover the period aptly described by the late Gen. Francis A. Walker, a member of the American Historical Association, as the “Making of the Nation.”

The lack of definite knowledge as to the early Congresses may be indicated by the remarkable, but none the less true, statement that there is nowhere in print an exact list of the number and duration of the various sessions held by the Senate during the first fourteen Congresses. Even Jameson, usually complete and accurate, fails to enumerate all of the special sessions. It is to be noted that Richardson, in his valuable Messages and Papers of the Presidents, omitted in its chronological order in volume 1 the proclamation, or, rather, notice, that assembled the Senate in its special session of July 17 to 19, 1798, when Adams wished to secure the prompt
confirmation of Washington to be a lieutenant-general. This omission was not surprising, for the original current records of the Senate were published incorrectly as a continuing part of the proceedings of the Fifth Congress, second session, which ended July 16, 1798. It may be added that the sessions of the Senate, which in the Executive Journals were numbered serially from its original organization in 1789 (instead of by each Congress), were incorrectly numbered in the published Journals, from the sixteenth session, commencing December 3, 1798, to the twenty-seventh (correctly twenty-eighth), ending March 3, 1809, when the error was corrected by omitting No. 28 and applying No. 29 to the special session called March 4, 1809.

The Congressional documents, it should be remembered, comprise the messages communicated to Congress by the President of the United States, the legislative journals of both Houses of the Congress, the secret proceedings or executive journals of the Senate, the reports of Congressional committees on bills, resolutions, and public affairs, communications made to Congress by the executive or judicial officers of the Government, and many miscellaneous publications, such as United States laws, the Congressional Record, the Congressional Directory, Rebellion Records, etc., as Congress may order to be printed for its information and distribution. Bills and resolutions are usually excepted from this classification.

To-day the public documents of Congress, excluding bills and resolutions, are arranged in three distinct classes—journals, reports, and documents—the reports being confined to those made by Congressional committees. In the early Congresses, apart from the journals, there was no clear-cut demarcation, and the separate printed publications of all kinds were brought together under the indefinite term of State Papers. These publications, except the legislative journals of both Houses, were issued as the occasion required in all sorts of shapes and sizes, with separate or no pagination and without any serial numbering. While the Senate and the House of Representatives usually printed their documents separately under the impress of a selected printer, yet occasionally one House adopted the printed document of the other, doubtless to save expense, and in some cases had recourse to another printer. The unsystematic methods which obtained as to these early documents would not be so trying and confusing to the historical student if there could be found anywhere a complete collection of such documents, or even a list showing their number, name, and special character.
It will probably surprise many American students to learn that there exists neither a complete collection nor detailed list of the documents of the First to the Fourteenth Congress, inclusive, 1789 to 1817. Such, however, is the condition of affairs as far as my own researches have extended. In the city of Washington there is no complete collection in any library, whether that of Congress, of the Senate, of the House of Representatives, of the State Department, of the Navy Department, or of the War Department. In the last-named Department, however, is probably the most nearly complete set, a result largely due to the sagacity of its librarian, Mr. David Fitz Gerald, whose strenuous efforts years since, supplemented by the writer’s activity in late years, left no opportunity unimproved of adding to its collection. As to other cities, in New York the New York Public Library and in Boston the Athenæum and the Public libraries are probably as well supplied as the Department of War; in the West the University of Chicago Library contains perhaps the fullest set in the country; other cities, so far as known, are less fully provided with such documents.

REPRINTS.

To meet the growing demands for information contained in official papers of past years, a demand made not only by members of Congress, but also by the general public, there was published by T. B. Wait & Son, Boston, 1815, the “State papers and public documents of the United States,” covering the period from 1789 to 1809. In subsequent editions, those of 1817 and 1819, appear additional “Confidential documents, now first published.” Congress finally took definite action, the Senate leading with its order of May 1, 1820, under which were reprinted, in a series of five volumes, its legislative journals of the First to the Thirteenth Congress, from March 4, 1789, to March 3, 1815. Similarly the journals of the House of Representatives, from 1789 to 1815, were reprinted in an edition of nine volumes. Bibliographical notes concerning these and other reprints are found in an appendix of this paper. In 1829 the Senate removed the seal of secrecy from its confidential proceedings and printed its executive journals from 1789 to 1829 in an edition of three volumes. They are obviously Congressional documents, although they are omitted from the serially numbered documents in the Document Check-List, 1896. The series of executive journals of the Senate was continued in 1887 to cover the proceedings from 1839 to 1869. Under the confusing system of printing volumes 14 and 15 in two parts this edition is nominally one of thirteen volumes, although really of fifteen.
To the extreme regret of historians and librarians, it is to be added that, although there was printed an edition of 600 copies of volumes 1, 2, and 3, yet the edition of the remaining volumes was limited to 100 copies. The necessity of reprinting the early Congressional documents and reports was, from time to time, urged upon Congress, but for years without avail. Meanwhile time and circumstances had scattered or destroyed the greater part of the early documents, which were originally printed for the convenience and use of a few score of men. (At first there were 26 Senators and 61 Representatives.) As the number of Senators and Representatives steadily increased and Congressional committees were multiplied, the demand for reports and documents of former Congresses exceeded the supply, and, to crown all, the burning of the Capitol in 1815 practically destroyed the entire reserve.

The question of reprinting the early documents was fruitlessly agitated until the act of Congress approved March 2, 1881, which was followed later by the acts of 1833 and 1858. The act of 1831 provided that documents selected from the archives of Congress should be collated and printed under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives. The result of these acts of Congress are comprised in the publications known as the “American State Papers,” 38 folio volumes. The documents, arranged chronologically and classified as to subject-matter, fall under the following headings: Claims, 1 volume; Commerce and Navigation, 2 volumes, Finance, 5 volumes; Foreign Relations, 6 volumes; Indian Affairs, 2 volumes; Military Affairs, 7 volumes; Miscellaneous, 2 volumes; Naval Affairs, 4 volumes; Post-Office Department, 1 volume, and Public Lands, 8 volumes.

Congress had acted none too soon, for the compilers say, “The great mass of these documents were to be found only in the archives of the two Houses. No complete set of them existed in any other place. * * * In addition to this, many exist only in the manuscript records of the two Houses.” It may be added that the manuscript records of the two Houses were at that time already incomplete. While this is known by a comparison of the Journals of the House and Senate with the American State Papers, it is affirmed by the editors that only one class of documents compiled by them, that on Indian affairs, contained all the pertinent Congressional documents to the commencement of the Fourteenth Congress.

The American State Papers are of the highest historical value to students of American affairs. Occasional misprints appear, and there are commissions, so it goes without saying that, when they can be consulted, the original journals and documents are far preferable to this reprint, of which
complete sets are now rarely found. According to Mr. J. H. Hickcox, there are 2,464 documents preserved in this collection. In 1835 the Senate reprinted Selected Documents on the Public Lands, a series of five volumes published by Duff Green, covering the period from July 31, 1789, to July 21, 1834.

As might be expected, the debates and proceedings of the early Congresses found scanty reproduction in the legislative journals of the House of Representatives and of the Senate, the records being quite strictly limited in their scope. Congressional or executive documents were sometimes appended to the journal, and occasionally reprinted, wholly or in part, in the body of it, but speeches other than those connected with the annual address of the President were never printed.

Fortunately, one of the most important of the extended debates of the House of Representatives—that of the Fourth Congress, second session—pertaining to the constitutional powers of the House with respect to treaties, is preserved in an apparently unabridged form, in two contemporaneous volumes printed for Benjamin Franklin Bache, Philadelphia, 1796.

Information as to the debates of the early Senates was exceedingly meager, owing to the fact that the Senate sat with closed doors until 1794, the public being admitted only at the beginning of the second session of the Third Congress. In consequence unusual value attaches to the debates of the first Senate, which are preserved with considerable fullness in the Journal of William Maclay, Senator from Pennsylvania, edited by G. W. Harris, Harrisburg, 1880.

To supply the existing deficiency as to the regular proceedings of the early Congresses, Joseph Gales, sr., commenced in 1834 a publication known as the Annals of Congress, for which he compiled from all available sources an abridgment of the more important Congressional debates. The Annals, extending from March 4, 1789, to May 27, 1824 (First Congress, first session, to Eighteenth Congress, first session, inclusive), consist of 42 volumes, and were the forerunner of the Register of Debates, Congressional Globe, and the present Congressional Record. In the Appendixes of the Annals, which were well indexed, appear the most important State papers and public documents, and all laws of a public nature.

The Fifty-third Congress authorized an extremely important and very extensive publication, in which have been reprinted the official messages of the Presidents of the United States, from the beginning of Washington’s term, in 1789, to the end of Cleveland’s Administration, 1897. This series is
now being published under the supervision of the Hon. James D. Richardson, a Representative from Tennessee, under the title of A Compilation of the Messages and Papers of the Presidents, 1789-1897. The series, consisting of 10 volumes, was published from 1896 to 1899. It includes the second Cleveland Administration, which ended March 3, 1897. The tenth volume contains an index of the whole series. Mr. Richardson has experienced the enormous difficulties that are inseparable from the attempt to compile completely the messages of the first fourteen Congresses. Certain of the messages relating to the two Administrations of Washington are referred to somewhat in detail later in this paper.

INDEXES.

Let us now consider briefly the second class of documents, that of indexes. In 1824 (18 C., 1 S., H. R. Doc. No. 163) appeared an “An index of communications made to the House of Representatives * * * until the end of the Fourteenth Congress. * * * Also an index to all the printed reports of committees (now extant), alphabetically arranged.” This somewhat rare but well-known public document is bound with one other document, and recorded as No. 104, Check-List of Public Documents. This index is found on the shelves of every large library making a claim to fullness of Congressional documents.

While Document No. 163, of 1824, is of value and importance, yet it is incomplete in scope and execution as regards the first two Congresses especially. It is limited entirely to the reports and documents of the House of Representatives, and it contains no record of any reports of committees prior to the second session of the Third Congress in 1795. Although it indexes executive reports found in manuscript, there are many reports mentioned in the official journals of the House which are not herein recorded.

This index, by its limitation, necessarily excludes many important executive communications which were sent alone to the Senate.

In 1880 was published a compilation by Albert Ordwain (46 C., 2 S., H. R. Report No. 1776), “General index of the journals of Congress from the First to the Tenth Congress, inclusive, * * * on all public business from 1789 to 1809,” and a similar publication by the same author appeared in 1883 (47 C., 1 S., H. R. Report No. 1559), covering the Eleventh to the Sixteenth Congress. These publications are very valuable, being synoptical indexes, but they cover public business alone, and are thus necessarily restricted in their scope.

In 1885 was published (48 C., 2 S., H. R. Report, v. 4) “A general personal index to the journals of Congress from the First to the Eighth Congress,”
and two years later was issued a similar publication (49 C., 1 S., H. R. Report, v. 12), covering the Ninth to the Sixteenth Congress. These important documents are, however, far from complete. By all odds the most valuable list, chronologically arranged, is that of Ben:Perley Poore, published by Congress in 1885 under the title of A Descriptive Catalogue of Government Publications. It remains to-day the only comprehensive publication, enumerating not only the documents of the early Congresses but also Government publications of all kinds to 1881. Despite its obvious defects, which may be summed up in unsatisfactory arrangement, incomplete index, and omission of titles, it is a vade mecum for any student floundering through the bibliographical obscurities of public documents. Admittedly the usual unfavorable criticisms upon this work are justified under present standards of bibliographical work. It is none the less a monumental work, which abides to Poore’s memory. To his personal influence, energy, and persistency is due this compilation, which was made under conditions so unfavorable to intelligent work that its completion in any form merits the gratitude of students of American history. It is, perhaps, unnecessary to say that its omission of documents pertaining to the First to the Fourteenth Congresses is proportionately far greater than in any later period.

The last Index, Check List of Public Documents, second edition, 1896, although a most valuable publication, is chiefly remarkable, as regards the First to the Fourteenth Congresses, for what it does not contain. This Check List makes no mention of the 64 original volumes of journals of the Senate and House of Representatives, which are in separate printed form and not difficult of access, bibliographically, as they all appear in Poore’s list, so that they could have been easily inserted, as, indeed, could many other important Congressional documents that appeared during this period. The Superintendent of Documents makes no mention of this omission, although four years earlier, in the first edition, it is stated that a satisfactory list of the volumes could not be given. There is inserted, however, a tabular and chronological list, arranged by regular sessions, which shows the number, general character, and general classification of such documents and reports as are printed in the American State Papers.

This very valuable Check List, with many improvements, is marred by the application of a system of serial numbering hat is excellent in principle, but utterly indefensible as herein specially practiced. Its use by the Superintendent of Documents, even if adopted as a temporary expedient, can only prove vexatious in the future.
Ignoring the pertinent question as to whether a modification of the serial and independent numbering for each Congress, in use for eighty years, would not be preferable to continuous serial numbers, which threaten in less than half a century to run into numbers of five figures, the new check-list system, without good reason, begins with number 1 for the Senate Journal of the first session of the Fifteenth Congress. Why this date is chosen seems inexplicable. The House of Representatives commenced to number its documents and reports at the beginning of the second session of the Thirteenth Congress in December, 1813, and this system was adopted by the Senate in December, 1815, at the commencement of the first session of the Fourteenth Congress. It may be added that the serial numbers of the Fifty-third Congress already need revising, as Senate Miscellaneous Document No. 266, which is given one serial number only, proves to consist of three volumes instead of one. In another case there are four volumes to one number.

ORIGINAL DOCUMENTS OF THE FIRST AND SECOND CONGRESSES, 1780-1793, WITH COMMENTS.

The documents of the First and Second Congresses, all printed in folio form, were few in number and of limited editions. Apart from the ten volumes of journals, one for each session of the Senate and one for each session of the House of Representatives, it does not appear that more than threescore documents were printed in separate form. It would seem from a resolution of the Senate (May 19, 1789) that its legislative Journal, after being revised, was printed in an edition of 120 copies. It was later increased to 700 copies, and the Senate concurred in the resolution of the House of Representatives (September 29, 1789) providing for distribution of three copies to each State, one each for the governor and the two legislative branches. The most complete collection of the original documents of these Congresses is possibly in the Athenæum Library, Boston, which is nearly unbroken. In this collection, however, one does not find mention of the first communication, other than the messages of the President, sent to Congress by an executive officer. Dated July 27, 1789, this communication relating to the organization of the foreign and consular service of the United States (A. S. P., For. Rel., 1: 180-190), was from John Jay, Secretary of the Department of Foreign Affairs, who held over from the Provisional Government until the State Department was organized in September, 1789. For satisfactory information on many points it is necessary to turn to the journals of the House and Senate, which contain in full or in part reports of committees, messages of the President, and miscellaneous documents. One
is surprised upon perusing the documents at the facility, speed, and ability with which Congress initiated and perfected legislation on lines calculated to unite the eleven States, first represented therein, in a compact and centralizing confederation.

Among other laws were made those for establishing the Federal judiciary system; for the equitable settlement of claims barred by limitation; the building of light-houses; the establishment of mint and regulation of coinage; future apportionment of Representatives; the taking of a census (Russia is just taking its first census, in 1897); the relief of prisoners for debt; levying of taxes and duties; provisions for the public debt; the registration of ships, regulation of coasting trade; the promotion of the useful arts (patents and copyrights); invalid pensions; the regulation of Indian trade; organization of the militia; formation of an army, etc.

Treaties were made with many Indian tribes, with Sweden, Morocco, France, Great Britain, Algiers, and Spain. The Constitution was vitally amended; adjustment of boundaries begun; the two hesitating colonies cast in their lot with the Union; two new States were admitted to fellowship.

In running through these documents many matters of interest attracted the attention, but only a few of the impressions gained can here find place. The present demand for pensions is not unprecedented, as the petitions of these early years of the nation were relatively as numerous and the responses as generous as in our time.

The simplicity of the early sessions of Congress, evinced in many other instances, is perhaps well illustrated by its formal authorization of the employment of a janitor at 50 cents a day.

The first bill passed by the House ran: “Be it enacted by Congress,” but the Senate presented an acceptable amendment, so that the title for all acts of Congress run: “Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.”

The influence of authors in shaping useful legislation was not wanting, as is shown by the passage by the First Congress of an act to promote the useful arts and sciences, whereby was initiated the patent and copyright systems of the United States. It was the petition of David Ramsay, April 15, 1789, to secure exclusive rights to his patriotic publications on the Revolutionary war that directly turned the attention of Congress to the necessity of a general law. Ramsay’s petition was followed closely by those of Jedediah Morse, May 12, for a copyright of his American geography, and Nicholas Pike, of Newburyport, June 8, for his system of arithmetic.

The first law enacted by Congress, May 6, 1789, related to the time and manner of public officials taking their oath of office, but two days later we
find the Senate printing 100 copies of a tariff bill, their first publication, as the Senate Journal was not authorized to be printed until May 19. It is interesting to note that our day of National Thanksgiving and prayer was initiated through a resolution originating in the House of Representatives, September 25, 1789, under which a joint committee of Congress waited upon the President with the request that he would recommend such a day, especially in connection with the establishment of a constitutional government.

The hesitation with which the Senate assumed its inherent powers appears from its doubt, expressed in a formal communication, as to whether it could independently hire employees to care for its legislative chambers without an antecedent law and formal nomination by the President.

One practice of the House of Representatives which obtained until January 13, 1790, the election of its important committees, is particularly noteworthy, owing to a surrender of these powers of the House in later years. It appears remarkable that the most democratic body of the Government should have tended toward a dictatorship, enlarging the powers of the Speaker of the House to such a phenomenal extent as to intrust the appointment of all committees to his discretion.

As is well known, the President’s method of communicating with Congress passed through several phases before it settled into its definite written form at the beginning of Jefferson’s Administration. Originally the inaugural and annual addresses were in reality speeches, as they were verbally delivered by the President to both Houses of Congress. The early answers to the annual addresses were carefully drawn documents, prepared by each House of Congress through the deliberations of a committee, which were presented separately by a committee of each House to the President at his residence. To these addresses of the Senate and House of Representatives the President made direct response in a short speech. Whenever a message was of such a general character as to necessitate its communication to both Houses of Congress, Washington, during the first session, sent this message separately and independently addressed to each House. During the second session, in January, 1790, he adopted the plan of addressing such messages conjointly to the “Senate and House of Representatives.”

Through all the proceedings one is impressed by the potent personality of the President, George Washington. At first the tone of the addresses indicates the President’s dominating influence, which steadily waned, imperceptibly at first, but with great rapidity later. Washington’s tendency in communicating with Congress seems to have been somewhat averse to
sending messages to the House of Representatives, as though he distrusted the disposition of that democratic body to accept unhesitatingly the opinions or recommendations of any individual, however exalted his station. Whether this distrust existed or not there was certainly good grounds for it, as from the House of Representatives came the attack in the last year of his Administration, headed by Giles, of Virginia, which doubtless confirmed Washington in his intention of permanently withdrawing from public affairs. It is interesting to note that Andrew Jackson’s first act as a Federal legislator was to vote, from beginning to end of the debate, against any form of address that should show undiminished confidence in Washington.

MESSAGES OF PRESIDENT WASHINGTON.

While the messages of the Presidents are among the most valued of Congressional documents, special interest attaches to those of Washington, and some of them are worthy of brief attention. Among these that of August 22, 1789, is unique, and its manner of presentation to the Senate was of striking interest and importance. If this solitary example, serving as a precedent, had grown into a habitual practice it would have converted the Senate of the United States into a privy council for the President of the United States. It is not difficult to surmise that serious evils might have arisen for the Republic had the plan not been abandoned. Consider how short a step it would have been from a Presidency to a dictatorship in the stormy days of the Republic, when the President of the United States, backed by his immense power of patronage, could meet the Senate and demand that to any of his propositions they should signify their assent or dissent by answering in his presence, viva voce, aye or no. Fortunately, it is a solitary instance in the history of the nation where the President has met the Senate in person and obtained its advice under conditions above mentioned.

The proposition for such a formal meeting, conveyed confidentially to the Senate in Washington’s message of August 21, 1789, evidently impressed the Senate with the importance of the occasion. The President named the following day, but the Senate acted promptly and its committee that day reported on the mode of communication proper to be pursued between the President and the Senate in the formation of treaties and making appointments to office. It should be borne in mind that this committee had been originally appointed in connection with the rejection of one of Washington’s appointees, which had resulted in the President’s message of August 6, 1789, wherein he suggested to the Senate the propriety and
expediency of communicating to the President the reason which made any nomination appear questionable.
The committee, by its chairman, Senator Izard, reported in part as follows:
That when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. * * *
That all questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; the Senators shall signify their assent or dissent by answering, viva voce, aye or no.
Washington met the Senate on August 22 and 24, 1789, and, laying before it a statement (Ex. Journal Sen. 1: 20-22) that the boundaries of the Southern district were being ravaged by Indian tribes, 14,000 warriors strong, asked the categorical advice of the Senate on several different points, to which questions the Senate proceeded to give their advice and consent.
Whether he considered the course proposed replete with future dangers to the nation or whether he considered such meetings as derogating from the dignity of the President, Washington never again met the Senate under such circumstances. Later (August 4, 1790), when, stating another question in regard to a secret article of the Creek treaty, he wished the advice of the Senate, he intimated that if the statement was not sufficiently explicit he would send the Secretary of War to give additional information.
In the message of September 26, 1789, Washington transmitted a letter of Governor John Collins, of Rhode Island, on behalf of the general assembly of that State, expressing the desire of Rhode Island to maintain friendly relations with the United States. It appears from other documents that Rhode Island was wise in deprecating an unfriendly attitude on the part of the United States, for discriminating legislation was contemplated whereby that State and North Carolina should experience the disadvantages of remaining out of the Union.
On December 9, 1790, Washington sent to the House, by Tobias Lear, the proceedings of the District of Kentucky relative to its admission into the Union. Washington had stated in his message of the day previous that he would send these papers to Congress, but why they were not transmitted with a written message does not appear.
The early military expeditions against the Indians in the territory northwest of the Ohio, and the efforts to establish a satisfactory civil government in that region are events of such importance as to justify allusion to the messages of December 14, 1790, and February 18, 1791; similarly, the student of constitutional law follows eagerly every step in the initiation on
novel lines of the judiciary system of the United States, which thus gives value to the message of December 12, 1790.

Among the many difficulties that environed the young Republic, those with Spain were vital to the growth and prosperity of the Southwestern colonies. As pertinent to the story of intrigues, difficulties, and Indian hostilities growing out of the boundary and other differences between the United States and Spain, attention may be called to the message of March 12, 1794, and especially to the confidential message of November 7, 1792, relative to Spanish interference with the execution of the treaty between the United States and the Creeks.

The annoying perplexities that Washington experienced in establishing satisfactory relations with the different European powers render the message on foreign affairs sent by him to Congress indispensable to every historical student. The questions involving boundary lines between the United States and Canada, the complications arising in connection with the withdrawal of British troops from our Northwest territories, the establishment of satisfactory commercial relations with Great Britain, were extremely important chapters in early American history. For these reasons attention should be drawn to the messages of March 12, 1794, May 23, 1794, June 4, 1798, and June 29, 1798. With reference to Great Britain may be exceptionally noted Madison’s proclamation of December 22, 1815, in connection with the very important commercial convention which initiated a new era between the United States and Great Britain. This proclamation is to be found in Niles’s Register, 9: 310-312.

In connection with the disturbed relations between the United States and France, in the stormy period of its existence from the revolution of 1798 to the beginning of this century, there are many phases worthy of serious consideration. Best known from the domestic disturbances that marked it was the Genet incident, connected with which were Washington’s messages of January 15 and 16, 1794.

As marking the subsequent growth of executive authority, attention is called to the message of February 22, 1798. Nominations of military officers were made provisionally to fill original existing vacancies, the officers to be employed or not as future military events should render expedient. The message is important as containing the President’s admission that he could not fill such original vacancies at a time when the Senate was not in session to advise and consent to their appointments. The Senate confirmed their appointments. It is needless to say that the President now fills such original vacancies during the recess of the Senate.
There is one message of President Washington contained in Richardson’s compilation, which, in its present form without note of explanation, might as well have been omitted, at least as far as its value to historical students goes. It is the message of January 26, 1791, which relates to one of the greatest of all Americans, and which conveys a tribute of Europeans to the memory of an American that is unique in the annals of history. Strangely enough, Washington did not mention Benjamin Franklin, who was the man thus honored.

The documents thus transmitted to Congress consisted of a letter from Sieyes, president of the National Assembly of France, with the decree of the National Assembly of June 11, 1790, which directed that its members should wear, during three days, mourning for Benjamin Franklin. These documents appear in Annals of Congress, 2: 2116, 2117.

Among messages sent to Congress by the President, and reports of committees, there are very many of great interest to the student of American history. Especially may be mentioned those leading up to the war of 1812, as well as those pertaining to its prosecution and conclusion. It is, however, quite beyond the scope of this paper to do more than invite attention to these documents, of which the originals are now so rare and widespread.

In view of the fact that there exists no catalogue showing the reports of committees of Congress pertaining to the first fourteen Congresses, this paper is supplemented by a bibliographical list showing in chronological order not only the data relative to the reports, journals, and documents as originally published, but also as to the publications in which they are reprinted, and the names of the more important libraries where they are now accessible.

In this connection acknowledgments are due to the following libraries for information furnished and courtesies extended: Mrs. Dixon, University of Chicago; Judge A. W. Church, United States Senate; A. F. Lane, Boston Athenæum; Mr. Herbert Putnam, formerly of the Boston Public Library; Col. J. W. Billings, New York Public Library, and Mr. A. H. Allen, Department of State Library.

The writer desires to express his acknowledgment to Mr. J. W. Cheney, librarian of the War Department, and to his assistant, Miss Caroline W. Kreuttner, for their valuable aid in the preparation of the bibliographical list. Their great care and assistance have contributed materially to the elimination of errors in copying, and also in supplementing omissions in the original paper.
PREFACE.
In presenting to the profession the first volume of the Reports, which the editor is pledged to continue, he feels how much he will stand in need of its indulgence for the imperfections which may be discovered in a work, at once so important and difficult. It is not, however, with the view of deprecating the justice of criticism, that he offers a few remarks upon the nature of the undertaking, and the manner in which it has been executed. Of the arguments of counsel nothing more has been attempted than to give a faithful outline; to do justice to the learning and eloquence of the bar would not be possible, within any reasonable limits: the reporter, therefore, trusts that his professional brethren will regard with candour the imperfections they may perceive, whilst the public will attribute them to the cause mentioned. It is possible that some important illustrations may have been omitted; but it is believed that the points and authorities have been faithfully recorded, where the cases either admitted of, or required, it. The same discretion has been exercised in omitting to report cases turning on mere questions of fact, and from which no important principle, or general rule, could be extracted. Of these an unusual number has recently occurred on the admiralty side of the court, attended with an infinite variety of circumstances, but inapplicable, as precedents, to future cases. Some notes have been added, in order to illustrate the decisions by analogous authorities; and whilst gleaning in the rich field of prize jurisprudence, afforded by the late war, it was thought expedient to subjoin a more ample view of the practice in prize causes than has yet been presented to the public, which may possibly serve as a check to those irregularities that had crept in, from the want of experience, in this branch of the administration of justice. Its doctrines have been developed by the court in a masterly manner; and we may contemplate with pride and satisfaction the structure which has been built up in so short a time, and under circumstances so unpropitious to the development of the true principles of public law. On this occasion we are compelled to lament the loss of an illustrious civilian, whose labours so eminently contributed to facilitate those of the court, and who has been removed, by the inexorable hand of death, from this scene of active contention, and generous emulation.* With how much dignity and usefulness he adorned the bar, and
with what powers of analysis he unfolded the most intricate questions of jurisprudence, the records of this tribunal will attest. Less attentive to the graces of elocution, and the technical forms of law, than to the principles of equity, his mind was enlarged by a philosophical view of universal jurisprudence, and to him may be applied with Cicero says of his cotemporary Sulpicius, *Videtur in secundo arte primus esse malaise, quam in prima secundus, id quod est adeptus, in jure civili esse princeps*. *Neque ille magis juris consultus, quam justiticae fuit: ita ea quae proficisebantur a legibus et a jure civili simper ad facilitate equitatemque referebat*. But it is higher praise, and equally well merited, that in him the character of the advocate seemed to borrow a new lustre from that of the philosopher and the patriot; that like the illustrious Roman referred to, “in his political conduct he was always the friend of peace and liberty; moderating the violence of opposite parties, and discouraging every step towards civil dissentions.

Should the annotations contained in this volume be favourably received by the public, the editor will hereafter continue this branch of his labour with a less timid hand, and, in the words of Lord Bacon, make it his aim, “to collect the rules and grounds dispersed throughout the body of the same laws, in order to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful; so that the uncertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time, will, by this new strength laid to the foundation, be somewhat the more settled and corrected.” Such a commentary seems, indeed, indispensable to the utility of reports of the proceedings in courts of justice. For, as Sir William Jones has observed, “if law be a science, and really deserve so sublime a name, it must be founded on principle, and claim an exalted rank in the empire of reason.”

* Mr. Dexter, who died during the vacation.

**Table 112D**

**Journal of the Federal Convention**

**1818**

{**Word Count:** 2,012}

RESOLUTION OF CONGRESS OF MARCH 27, 1818.

Resolution directing the Publication and Distribution of the Journal and Proceedings of the Convention, which formed the present Constitution of the United States.
RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Journal of the Convention, which formed the present Constitution of the United States, now remaining in the office of the Secretary of State, and all Acts and Proceedings of that Convention, which are in the possession of the government of the United States, be published under the direction of the President of the United States, together with the Secret Journals of the Acts and Proceedings, and the Foreign Correspondence of the Congress of the United States, from the first meeting thereof, down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year seventeen hundred and eighty-three, except such parts of the said foreign correspondence as the President of the United States may deem it improper at this time to publish: and that one thousand copies thereof be printed, of which one copy shall be furnished to each member of the present Congress, and the residue shall remain subject to the future disposition of Congress.

ADVERTISEMENT.
The first volume of the late edition of the laws of the United States, compiled under the direction of the late Secretary of State and Attorney General, contains a succinct historical review of the successive publick measures, which led to the present organization of the North American Union, from the assembling of the Congress of the colonies on the 5th of September, 1774, to the adoption of the constitution of the United States, and of the subsequent amendments to it, now in force.
The following resolution of the old Congress, adopted on the 21st of February, 1787, contains the authority by which the convention, which formed the constitution, was convoked:

“Whereas there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states; and whereas experience hath evinced, that there are defects in the present confederation as a mean to remedy which, several of the states, and particularly the state of New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable means of establishing in these states a firm national government—

“Resolved, That in the opinion of Congress, it is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions
therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the union."

The day appointed by this resolution for the meeting of the convention was the second Monday in May; but the 25th of that month was the first day upon which a sufficient number of members appeared to constitute a representation of a majority of the states. They then elected George Washington their President, and proceeded to business.

On the 29th of May, Mr. Edmund Randolph presented to the convention fifteen resolutions, and Mr. C. Pinckney laid before them the draft of a federal government, which were referred to a committee of the whole; which debated the resolutions, from day to day, until the 13th of June, when the committee of the whole reported to the convention a series of nineteen resolutions, founded upon those which had been proposed by Mr. Randolph.

On the 15th of June, Mr. Paterson submitted to the convention his resolutions, which were referred to a committee of the whole, to whom were also recommended the resolutions reported by them on the 13th. On the 19th of June, the committee of the whole reported, that they did not agree to Mr. Patterson’s propositions, but reported again the resolutions which had been reported before.

The convention never afterwards went into committee of the whole; but from the 19th of June till the 23d of July were employed in debating the nineteen resolutions reported by the committee of the whole on the 13th of June; some of which were occasionally referred to grand committees, of one member from each state or to select committees of five members.

After passing upon the nineteen resolutions, it was on the 23d of July resolved, “That the proceedings of the convention for the establishment of a national government, except what respects the supreme Executive, he referred to a committee for the purpose of reporting a constitution conformably to the proceedings aforesaid.”

This committee, consisting of five members, and called in the journal “the committee of detail,” was appointed on the 24th of July, and with the proceedings of the convention, the propositions submitted to the convention, by Mr. Charles Pinckney, on the 29th of May, and by Mr. Patterson on the 15th of June, were referred to them.

On the 26th of July, a resolution respecting the Executive and two others, offered for the consideration of the convention, were referred to the committee of detail; and the convention adjourned till Monday, the 6th of August, when the committee reported a constitution for the establishment
of a national government. This draft formed the general text of debate, from that time till the 6th of September; many additional resolutions, being in the course of the deliberations, proposed, and referred to and reported upon by the same committee of detail, or other committees of eleven, (a member from each state) or of five.

On the 8th of September a committee of five was appointed “to revise the style of and arrange the articles agreed to by the house.”

On the 12th of September, this committee reported the constitution as revised and arranged, and the draft of a letter to Congress. It was ordered that printed copies of the reported constitution should be furnished to the members, and they were brought in the next day.

On the seventeenth day of September, 1787, the convention dissolved itself, by an adjournment without day, after transmitting the plan of constitution which they had prepared to Congress, to be laid before conventions, delegated by the people of the several states, for their assent and ratification.

The last act of the convention, was a resolution that their journal and other papers should be deposited with their president, to be retained by him subject to the order of the Congress, if ever formed under the constitution.

On the 19th of March, 1796, President Washington deposited in the Department of State three manuscript volumes; one containing in 153 pages, the journal of the federal convention of 1787; one the journal of the proceedings of the same convention, while in committee of the whole, is 28 pages; and one, three pages of lists of yeas and nays, on various questions debated in the convention; and after an interval of eight blank pages, five other pages of like yeas and nays. There were also two loose sheets, and one half sheet of similar yeas and nays; a printed draft of the constitution as reported on the 6th of August, 1787, with erasures and written interlineations of amendments afterwards adopted; two sheets containing copies of the series of resolutions offered to the convention by Mr. Edmund Randolph, in different stages of amendment, as reported by the committee of the whole; and seven other papers of no importance in relation to the proceedings of the convention.

The volume containing the journal of the convention was in an incomplete state. The journal of Friday, September 14, and a commencement of that of Saturday, September 5, filled three fourths of the 153d page; then terminated abruptly, and were, with the exception of five lines, crossed out with a pen. President Madison, to whom application for that purpose was made, has furnished, from his own minutes, the means of completing the journal, as now published.
The yeas and nays were not inserted in the journals, but were entered partly in a separate volume, and partly on loose sheets of paper. They were taken, not individually, but by states. Instead of publishing them, as they appear in the manuscript, they are now given immediately after each question upon which they were taken.

General B. Bloomfield, executor of David Brearley, one of the members of the convention, transmitted to the Department of State several additional papers, which are included in this publication.

The paper, purporting to be Col. Hamilton’s plan of a constitution, is not noticed in the journals. It was not offered by him for discussion, but was read by him, as part of a speech, observing that he did not mean it as a proposition, but only to give a more correct view of his ideas.

The return of the members in the several states, appears to have been an estimate used for the purpose of apportioning the number of members to be admitted from each of the states to the house of representatives.

In order to follow with clear understanding, the course of proceedings of the convention, particular attention is required to the following papers, which, except the third, successively formed the general text of their debates.

1. May 29, 1787. The fifteen resolutions offered by Mr. Edmund Randolph to the convention, and by them referred to a committee of the whole.
2. June 13. Nineteen resolutions reported by this committee of the whole, on the 13th, and again on the 19th of June, to the convention.
3. July 26. Twenty-three resolutions, adopted and elaborated by the convention, in debate upon the above nineteen reported from the committee of the whole; and on the 23d and 26th of July, referred, together with the plan of Mr. C. Pinckney, and the propositions of Mr. Patterson, to a committee of five, to report a draft of a constitution.
4. August 6. The draft of a plan of constitution reported by this committee to the convention; and debated from that time till the 12th of September.
5. September 13. Plan of constitution, brought in by a committee of revision, appointed on the 8th of September, consisting of five members, to revise the style and arrange the articles, agreed to by the convention.

The second and fourth of these papers, are among those deposited by President Washington, at the Department of State. The first, fourth and fifth, are among those transmitted by general Bloomfield.

The third is collected from the proceedings of the convention, as they are spread over the journal from June 19th to July 26th.
This paper, together with the plan of Mr. C. Pinckney, a copy of which has been furnished by him, and the propositions of Mr. Patterson, included among the papers forwarded by general Bloomfield, comprise the materials, upon which the first draft was made of the constitution, as reported by the committee of detail, on the 6th of August.

To the Journal, Acts and Proceedings of the Convention, are added in this publication, the subsequent proceedings of the Congress of the confederation, upon the constitution, reported as the result of their labours; and the acts of ratification by the conventions of the several states of the union, by virtue of which it became the supreme law of the land; and also the amendments to it, which have been since adopted and form a part of the constitution. It was thought that this supplement would be, if not essential, at least well adapted to carry into full effect the intentions of Congress in directing the publication; by presenting at one view the rise, progress, and present condition of the Constitution of the United States.

Department of State, October, 1819.

**TABLE 112E**

**SENATE LEGISLATIVE JOURNAL**

**1820**

{*WORD COUNT: 67*}

IN SENATE UNITED STATES,
May 1, 1820.

Resolved, That there be printed, under the direction of the Secretary of the Senate, in the form in which the Journals are now printed, in brevier type, that part of the Journal thereof, of which the Senate are not in possession of any printed copy; and there be printed three hundred copies thereof.

Attest, CHARLES CUTTS, Secretary.

**TABLE 112F**

**SECRET JOURNALS OF CONFEDERATION CONGRESS**

**1821**

{*WORD COUNT: 291*}

ADVERTISEMENT.

The Secret Journals of the Congress of the Confederation, directed by the foregoing resolutions to be published, are at the Department of State in five manuscript volumes. The Journals of Proceedings relating to Domestick Affairs, are in one separate volume, and the History of the Confederation in
another. Of the latter, the projected articles presented by Dr. Franklin, on
the 21st of July, 1775; those reported in the handwriting of J. Dickinson, on
the 12th of July, 1776; and those reported in a new draft on the 20th of
August, 1776, by the committee of the whole, were kept secret, and have
never before been published. The proceedings subsequent to the 8th of
April, 1777, when this report of the committee of the whole was taken up
and debated in Congress, were published from time to time in the publick
journals; but never having been collected in one compilation, and being
scattered through several of the volumes of the publick journals, which are
now quite out of print, it has been thought most consistent with the
intention of the resolutions to publish the whole of this manuscript. The
Journal of Foreign Affairs is at the Department in three volumes; the last of
which is not entirely filled, the journal closing on the 16th of September,
1788. On the 13th of the same month the resolution had passed for the
organization of the new government, and for the meeting of the Congress
under the constitution of the United States on the first Wednesday of the
ensuing March. The Tenth of October, 1788, was the last day upon which
the Congress of the confederation met in numbers sufficient to form a
quorum.

Department of State, August, 1820.

TABLE 112G
REGISTER OF DEBATES
1825
{WORD COUNT: 943}

PREFACE.
THE REGISTER OF DEBATES IN CONGRESS is intended to supply a
deficiency in our Political Annals which the Editors have long perceived,
and which has been universally acknowledged and regretted by those who
have mingled in public affairs, and especially by such as have engaged in
the active discharge of political duties. When we consider the importance of
preserving these memorials of the Legislation of the country, it would be a
matter of surprise that the undertaking should have been deferred so long
as to fall into the present hands, if the magnitude of the undertaking, and
its consequent hazard to the publishers, did not manifestly present serious
obstacles to its execution. The favorable position of the Editors, their
opportunities for obtaining accurate Reports of the Debates, operated upon
by their conviction of the utility of such a work, have induced them to
commence the Register, in defiance of its difficulties, without the aid or
prospect of any other patronage than such as liberal and enlightened individuals may extend to it.
The object of the Register is to present, from year to year, in a portable but durable form, with facilities for ready reference to its contents, the History of the Legislation of the Government of the United States. In the Debates, which form the bulk of the volume, will be found the grounds on which the various propositions of the session were, at the time of their discussion, advocated or opposed. These Debates are not in all cases literally reported, but their substantial accuracy may be entirely relied upon: and, did this volume contain nothing more than the Debates, it might, as a manual for politicians, or a text book for students, claim a place in the library of every seminary, and in the closet of every reading man. But to render the volume still more valuable, there have been incorporated in it not only all the Messages of the President of the United States to both Houses of Congress during the Session, but also, in the Appendix, such a selection of the most important Reports from the different departments of the Government, and from the leading committees of each House, as will afford a clear view of those features of the policy of the Government which may not be so fully developed in the Debates. To these are added the whole body of the Acts passed during the Session, in a form to be as implicitly relied upon as the official edition: the whole being rendered complete by an Index, by the aid of which the reader can instantly refer to any subject embraced in the volume.
No merit is claimed for the contents of the Register on the score of originality. It professes to be no more than a careful compilation of authentic materials. The merit, however, to which this work may justly prefer a claim, is that of faithful History, free from the bias of prejudice or prepossession, and from the accidental distortions to which all traditionary accounts are liable. It is a History which cannot deceive, because it reflects, in the faithful mirror of Truth, not only the motives of public acts, but also the grounds on which those acts were opposed. Its impartiality may defy the most fastidious scrutiny.
Of the first attempt at a work of this kind, it would not be reasonable to expect that either the plan, or the execution of the plan, would be perfect. The Register makes no such pretension. The object of the work being to embody the Debates and striking Incidents only of the sittings of Congress, the possessor of this volume will be disappointed if he look to find in it a Journal of the two Houses of Congress. No part of their Proceedings is given except what involves Debate, or some Incident, novel or important in its character, and therefore worthy of preservation. The careful reader
therefore will not be able to trace from step to step, in these pages, each measure of which mention is made in the course of the Debates, &c.—but, by recurring to the Laws of the Session, at the end of the volume, he will be able to ascertain the final disposition of any particular measure, every measure not embraced in the body of the Laws having failed, by positive rejection, or, what is equivalent to a rejection, by not being finally acted upon during the Session. Nor will the curious or methodical reader of this work discover a regular account of the adjournments or recesses of the two Houses. He will find, on some days, no account of Proceedings in either House; on others, an account of Proceedings in one House and not in the other. These apparent omissions will be explained, in part, by adverting to the fact, that, besides the Sabbath, Saturday is almost uniformly a day of rest for Congress, and occasionally Friday also; and when the Proceedings of any day are not of general interest, they are not preserved. Wherever, in short, the reader finds no Proceedings recorded on any given day, or Proceedings in one House only, he will understand, either that neither House sat on that day, that no important proceedings took place in either House, or that the Proceedings of one House only were of general interest. With these brief explanations, the Editors submit the Register to the Public, claiming their indulgence for any errors of omission or commission which may be discovered in it, and pledging themselves that with every year there shall be found a progressive improvement in the execution, if not in the plan, of the work.

**Table 112H**

**Diplomatic Correspondence of the American Revolution**

1829-1830

{**Word Count:** 1,637}

**ADVERTISEMENT.**

The Correspondence between the old Congress and the American Agents, Commissioners, and Ministers in foreign countries, was secret and confidential during the whole revolution. The letters, as they arrived, were read in Congress, and referred to the standing Committee of Foreign Affairs, accompanied with requisite instructions, when necessary, as to the nature and substance of the replies. The papers embracing this correspondence, which swelled to a considerable mass before the end of the revolution, were removed to the department of State after the formation of the new government, where they have remained ever since, accessible to such persons as have wished to consult them for particular purposes, but
never before published. In compliance with the resolution of Congress, of March 27th, 1818, they are now laid before the public, under the direction of the President of the United States.

On the 29th of November, 1775, a Committee of five was appointed to correspond with the friends of America in other countries. It seems to have been the specific object of this Committee, to gain information in regard to the public feeling in Great Britain towards the Colonies, and also the degree of interest which was likely to be taken by other European powers in the contest, then beginning to grow warm on this side of the Atlantic. Certain commercial designs came also under its cognizance, such as procuring ammunition, arms, soldiers’ clothing, and other military stores from abroad. A secret correspondence was immediately opened with Arthur Lee in London, chiefly with the view of procuring intelligence. Early in the next year, Silas Deane was sent to France by the Committee, with instructions to act as commercial or political agent for the American Colonies, as circumstances might dictate. This Committee was denominated the Committee of Secret Correspondence, and continued in operation till April 17th, 1777, when the name was changed to that of the Committee of Foreign Affairs. The duties and objects of the Committee appear to have remained as before, notwithstanding the change of name.

In the first years of the war, it was customary for the Commissioners and Ministers abroad to address their letters to the Committee, or to the President of Congress. In either case the letters were read in Congress, and answered only by the Committee, this body being the organ of all communications from Congress on foreign affairs. The proceedings of Congress in relation to these topics were recorded in a journal, kept separately from that in which the records of other transactions were entered, and called the Secret Journal. This Journal has recently been published, in conformity with the same resolution of Congress, which directed the publication of the foreign correspondence.

Robert R. Livingston was chosen Secretary of Foreign Affairs on the 20th of August, 1781, when the Committee was dissolved, and the foreign correspondence from that time went through the hands of the Secretary. As the responsibility thus devolved on a single individual, instead of being divided among several, the business of the department was afterwards executed with much more promptness and efficiency.

The plan adopted, in arranging the papers for publication, has been to bring together those of each Commissioner, or Minister, in strict chronological order. As there is much looseness, and sometimes confusion in their arrangement as preserved in the Department of State, this plan has not
always been easy to execute. The advantage of such a method, however, is so great, the facility it affords for a ready reference and consultation is so desirable, and the chain of events is thereby exhibited in a manner so much more connected and satisfactory, that no pains have been spared to bring every letter and document into its place in the exact order of its date. Thus the correspondence of each Commissioner, or Minister, presents a continuous history of the acts in which he was concerned, and of the events to which he alludes.

It will be seen, that letters are occasionally missing. These are not to be found in the archives of the government. The loss may be accounted for in several ways. In the first place, the modes of conveyance were precarious, and failures were frequent and unavoidable. The despatches were sometimes intrusted to the captains of such American vessels, merchantmen or privateers, as happened to be in port, and sometimes forwarded by regular express packets, but in both cases they were subject to be captured. Moreover, the despatches were ordered to be thrown overboard if the vessel conveying them should be pursued by an enemy, or exposed to the hazard of being taken. It thus happened, that many letters never arrived at their destination, although duplicates and triplicates were sent. Again, the Committee had no Secretary to take charge of the papers, and no regular place of deposit; the members themselves were perpetually changing, and each had equal access to the papers, and was equally responsible for their safe keeping. They were often in the hands of the Secretary of Congress, and of other members who wished to consult them. Nor does it appear, that copies were methodically taken till after the war. In such a state of things, many letters must necessarily have been withdrawn and lost. When Mr Jay became Secretary of Foreign Affairs, in the year 1784, that office had been made the place of deposit for all the foreign correspondence which then remained. Under his direction, a large portion of it was copied into volumes, apparently with much care, both in regard to the search after papers, and the accuracy of the transcribers. These volumes are still retained in the archives of the Department of State, together with such originals as have escaped the perils of accident, and the negligence of their early keepers.

The letters of the Committee of Congress to the agents abroad were few, scanty, and meagre. This may be ascribed to two causes. First, there was really very little to communicate, which was not known through the public papers; and, secondly, it was not made the duty of any particular member of the Committee to write letters. Hence the agents frequently complained, that their despatches were not answered, and that they were embarrassed
for want of intelligence. When Mr Livingston came into the office of
Foreign Affairs, a salutary change took place in this respect. His letters are
numerous, full, and instructive.
In preparing the papers for the press, according to the spirit of the
resolution of Congress, the first rule has been to print such matter only as
possesses some value, either as containing historical facts, or illustrating
traits of character, or developing the causes of prominent events. In such a
mass of materials, so varied in their character and in the topics upon which
they treat, it has not always been easy to discriminate with precision in
regard to these points. The editor can only say, that he has exercised his
best judgment to accomplish the end proposed. His task has been rendered
still more perplexing, from the disputes, and even quarrels, which existed
between the early American Commissioners, and with the effects of which a
large portion of their correspondence is tinged. No worthy purpose can be
answered by reviving the remembrance of these contentions at the present
day, but, at the same time, such particulars ought to be retained, as will
exhibit in their proper light the characters of the persons concerned, and
show how far their altercations operated to the public good or injury. This
line has been pursued as far as practicable, and those parts of the
 correspondece chiefly marked with personalities, and touching little on
public interests, have been omitted, as neither suited to the dignity of the
subject, nor to the design of this publication.
On perusing these volumes, it may at first seem extraordinary, that so large
a collection of letters, written by different persons at different times,
embracing topics of great moment, and assuming the character of secret
and confidential despatches, should be so generally well fitted to meet the
public eye. But it must be kept in mind, that the writers knew their letters
would be read in open Congress, which was much the same as publishing
them, and under this impression they were doubtless prompted to study
circumspection, both in matter and manner.
Justice to himself requires the editor to observe, that he has not felt at
liberty, in accordance with the express terms of the resolution of Congress,
to add anything to the original papers by way of commentary or illustration.
The few notes, which he has subjoined, are intended mainly to assist the
reader in referring to collateral topics in different parts of the work. When it
is consider under what circumstances and with what aims these letters were
written, it will be obvious, that time and succeeding events must have
detected occasional misapprehensions and errors of statement in the
writers, as well as the fallacy of some of their conjectures and speculations.
They were called upon grapple with the politics of Europe, and to discourse
on a theme and execute a task, that would have been of no easy accomplishment in the hands of the veteran diplomatists of the old world. The editor's researches in the public offices of England and France, with particular reference to the early diplomatic relations between those countries and the United States, have put in his possession a body of facts on the subjects discussed in these papers, which might have been used to advantage in supplying corrections and explanations, but, for the reason above mentioned, he has not deemed himself authorised to assume such a duty. He is not without the expectation, however, that the public will hereafter be made acquainted with the results of his inquiries in some other form.

**TABLE 1121**
**ELLIOT'S DEBATES**
**1836**
*{WORD COUNT: 534}*

**PREFACE TO THE FIRST EDITION**
The following volumes furnish a collection of the Debates and Proceedings which took place in the different states, on the adoption of the Federal Constitution, as submitted by the General Convention, on the 17th of September, 1787. In the compilation, care has been taken to search into contemporary publications, in order to make the work as perfect as possible. Still, however, the Editor is sensible, from the daily experience of the newspaper reports of the present time, that the sentiments they contain may, in some instances, have been inaccurately taken down, and, in others, probably, too faintly sketched, fully to gratify the inquisitive politician; but they nevertheless disclose the opinions of many of the most distinguished revolutionary patriots and statesmen, in relation to the powers intended to be granted to the Congress of the United States under the Constitution, and certainly may form an excellent guide in expounding many doubtful points in that instrument. In forming a History of the Constitution, the materials they furnish must be also considered of the greatest importance. The lights, too, which they throw on the character and the men of those extraordinary times, will always give them a sufficient interest, in the eyes of an intelligent community, to confer a peculiar value on their publication, rescued from the ephemeral prints of that day, and now, for the first time, presented in a uniform and durable form.

In another point of view, these Debates must be acceptable, at the present moment. In the recent Congresses a vast number of resolutions have been
submitted, proposing various amendments to the Constitution — a fact sufficiently striking to call the attention of the nation at large, seriously to consider the views and ponder on the arguments of those who opposed or advocated the Constitution at the time of its adoption. Hence, on entering the field of debate on constitutional topics, an acquaintance with these opinions and sentiments must certainly be of the first importance to public speakers. In exercising the powers of legislation, could Congress consult higher authority? In expounding parts of the Constitution which seem extremely doubtful, the publication of the Proceedings and Debates of the states must, at lest, be useful; for what the states really intended to grant to the general government must be looked for in their acts, and in their discussions, which manifest their intentions, in a manner peculiarly satisfactory, touching constitutional topics, so frequently the subject of controversy in Congress, and in the legal tribunals of the country.

There is a further, and perhaps not much inferior interest, that attaches to these Debates: they abound, it will be seen, in many of the most bold and striking features of eloquence, which do not yield, in force of argument, strength of intellect, or in statesman-like views, to the productions of any modern orator. With prophetic vision, (in our days singularly verified,*) a distinguished individual, who participated in these debates, looked forward to the high destinies of this republic, and foretold that political prosperity and happiness which an excellent Constitution is daily developing for the benefit of posterity.

JONATHAN ELLIOT
Washington, Feb. 8, 1830
* General Hamilton’s prediction in relation to imposts.
The following reports, heretofore presented to both Houses of Congress, will show the plan of the work, and the difficulties which, at its commencement, it had to surmount.

“To the Senate and House of Representatives of the Congress of the United States:

“The Secretary of the Senate and Clerk of the House of Representatives respectfully make report of their proceedings, under the act of Congress of 2d March, 1831, directing a subscription to the compilation of Congressional documents proposed to be published by Gales & Seaton.

“Immediately after the adjournment of Congress, we commenced the discharge of the duties imposed by the act of Congress. At the very outset, however, we found great difficulty in ascertaining the extent of the duties required of us. Messrs. Gales & Seaton, of their own accord, had submitted to Congress a subscription paper, proposing to republish the Congressional documents for the first thirteen Congresses; the volume, the type, and the size of the page were designated, as well as the specific sum for each volume when delivered. With these proposals before them, Congress directed the Clerk of the House of Representatives to subscribe for seven hundred and fifty copies, on two conditions: 1st. The documents to be selected under the directions of the Secretary of the Senate and Clerk of the House of Representatives. 2d. The price paid for the printing to be at a rate not exceeding that of the price paid to the Printer of Congress for the printing the documents of the two Houses.

“At the first view, it does not appear difficult to ascertain the specific duties required from us. The documents are to be selected by us. It would, therefore, seem that, when we had given the publishers a list of the papers to be reprinted, our agency was at an end. Circumstances, however, which we will now explain, rendered it impossible that our duties could stop here. The great mass of these documents were to be found only in the archives of the two Houses. No complete set of them existed in any other place. They were contained in one hundred and sixty octavo and folio printed volumes, eighty large folio manuscript records, and in some hundred large files of documents. Charged, as we are, with the care and preservation of all these important documents, we could not, for a moment permit them to go into the hands of others over whom we had no control. To make the separation of those to be published, without producing disorder, required the knowledge and experience, and the most patient, persevering industry of the most able of our assistants, and of ourselves. Had any one, without that knowledge of these things, which can only be obtained by long experience, undertaken to separate and arrange these documents, he would have been
in great danger of reducing the whole to a heap of confusion. In addition to this, many of these documents exist only in the manuscript records of the two Houses, consisting of large folio volumes substantially bound, and in the best state of preservation. We could not suffer these valuable records to be taken apart, and the portions selected sent to the printing office. We were also unwilling, either to permit them to be taken from the office to be copied, or to permit strangers to come into the office, and occupy our desks and tables in copying them.

“From these considerations, (and others of a similar nature not here detailed,) it was evident to us that it was our duty, not only to select these documents, but also to prepare them for the press.

* AN ACT making provision for a subscription to a compilation of Congressional Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives hereby is authorized and directed to subscribe for seven hundred and fifty copies of the compilation of Congressional Documents proposed to be published by Gales & Seaton: Provided, That the documents shall be selected under the direction of the Secretary of the Senate and the Clerk of the House of Representatives; And provided, also, That the price paid for the printing of the said copies shall be at a rate not exceeding that of the price paid to the printer of Congress for printing the documents of the two Houses.

**Table 112K**

**ANNALS OF CONGRESS**

**1834-1856**

{WORD COUNT: 1,420}

**INTRODUCTION.**

Very soon after the Treaty of Peace, by which the Independence of the United States was recognized by the Government from which they had effected their separation, the want of a general superintending power over commerce, with the correlative power of taxation, was almost universally felt, and very generally deplored by the inhabitants of all the States, though not to the same extent in all.

It was easier to see the defect, and to feel the evils which flowed from it, than to provide the remedy. Intelligent citizens, however, soon busied themselves in devising the means of forming a Union, which should possess
the requisite authority, and become the foundation of certain and durable prosperity. Of the manner in which this desirable object was consummated, the following brief account is condensed from Marshall’s Life of Washington, the most authentic history of that period: While the advocates for Union were exerting themselves to impress its necessity on the public mind, measures were taken in Virginia, which, though originating in different views, terminated in a proposition for a general Convention to revise the state of the Union. To form a compact relative to the navigation of the rivers Potomac and Pocomoke, and of part of the bay of Chesapeake, commissioners were appointed by the Legislatures of Virginia and Maryland, who assembled in Alexandria, in March, 1785. While at Mount Vernon on a visit, they greed to propose to their respective Governments the appointment of other commissioners, with power to make conjoint arrangements, to which the assent of Congress was to be solicited, for maintaining a naval force in the Chesapeake; and to establish a tariff of duties on imports, to which the laws of both States should conform. When these propositions received the assent of the Legislature of Virginia, an additional resolution was passed, directing that which respected the duties on imports to be communicated to all the States in the Union, who were invited to send deputies to the meeting. On the 21st of January, 1786, a few days after the passage of these resolutions, another was adopted by the same Legislature, appointing certain commissioners, “who were to meet such as might be appointed by the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situation and trade of the said States; to consider how far a uniform system in their commercial relations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in Congress assembled, effectually to provide for the same.” In the circular letter transmitting these resolutions to the respective States, Annapolis, in Maryland, was proposed as the place, and the ensuing September as the time, of meeting. The Convention at Annapolis was attended by commissioners from only five States, [New York, New Jersey, Pennsylvania, Delaware, and Virginia.] These, after appointing Mr. DICKINSON their Chairman, proceeded to discuss the objects for which they had convened. Perceiving that more ample powers would be required to effect the beneficial purposes which
they contemplated, and hoping to procure a representation from a greater
number of States, the Convention determined to rise without coming to any
specific resolutions on the particular subject which had been referred to
them. Previous to their adjournment, however, they agreed on a Report to
be made to their respective States, in which they represented the necessity
of extending the revision of the federal system to all its defects, and
recommended that Deputies for that purpose be appointed by the several
Legislatures, to meet in Convention in the city of Philadelphia, on the
second day of the ensuing May.

The reasons for preferring a Convention to a discussion of this subject in
Congress, were stated to be “that, in the latter body, it might be too much
interrupted by the ordinary business before them, and would, besides, be
deprived of the valuable counsels of sundry individuals who were
disqualified by the constitution or laws of particular States, or by peculiar
circumstances, from a seat in that assembly.”

A copy of this Report was transmitted to Congress in a letter from the
Chairman, stating the inefficacy of the Federal Government, and the
necessity of devising such further provisions as would render it adequate to
the exigencies of the Union.

On receiving this Report, the Legislature of Virginia passed an act for the
appointment of Deputies, to meet such as might be appointed by other
States; to assemble in Convention at Philadelphia, at the time, and for the
purposes specified in the recommendation from the Convention which had
met at Annapolis.

At the time and place appointed, the Representatives of twelve States
convened. In Rhode Island alone, a spirit sufficiently hostile to every species
of reform was found, to prevent the election of Deputies on an occasion so
generally deemed momentous. Having unanimously chosen General
WASHINGTON for their President, the Convention proceeded, with closed
doors, to discuss the interesting and extensive subject submitted to their
consideration.

On the 17th of September, the Constitution was presented to the American
public. The instrument, with its accompanying resolutions, was, by the
unanimous order of the Convention, transmitted to Congress in the
following letter:

IN CONVENTION, September 17, 1787.

SIR:

We have now the honor to submit to the consideration of the United States
in Congress assembled, that Constitution which has appeared to us the
most advisable.
The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situations and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the list between those rights which must be surrendered, and those which may be preferred; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus, the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not, perhaps, to be expected; but each will, doubtless, consider that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency’s most obedient and humble servants. By the unanimous order of the Convention.

GEO. WASHINGTON, President.

His Excellency the President of Congress.

Congress resolved, unanimously, that the Report, with the letter accompanying it, be transmitted to the several Legislatures, in order to be
submitted to a Convention of Delegates chosen in each State by the People thereof.
After a discussion of the Constitution in the Conventions of the several States, during which its ultimate fate hung for some time in dubious and painful suspense, the Conventions of eleven out of the thirteen States assented to, and ratified the Constitution in the following form:

TABLE 112L
TRACTS AND OTHER PAPERS
1836-1846
{WORD COUNT: 232}

ADVERTISEMENT.
The Compiler of the following Volume having been led by circumstances into an examination somewhat extensive, of the sources of our history, experienced much difficulty in procuring the Pamphlets and smaller Tracts that relate to the Origin, Settlement and Progress of the American Colonies. Of the vast number of publications of this description that were made during the two centuries and a half succeeding the discovery of America, a few only can be found in this country, and these are almost entirely confined to libraries connected with our public institutions: many of them are of great value as authentic historical records, and all are interesting to those who take pleasure in tracing step by step the progress of the Colonies, in population, wealth, and power, within the comparatively short period that intervened between the landing of the first white man upon the Continent, and the establishment of a free and independent Government by the People of the United States of America. These considerations suggested the plan of the Collection now commenced.
Of the thirteen Tracts contained in the present volume, Nos. 2 and 10 have not heretofore been printed, and Nos. 8 and 9 now appear for the first time in a connected form: the others, as will be seen by referring to the title pages which are copied at large, are publications.
WASHINGTON, January 7, 1836.

TABLE 112M
DIPLOMATIC CORRESPONDENCE 1783-1789
1837
{WORD COUNT: 2,775}
Extract from an Act of Congress, approved May 5, 1832, entitled “An Act making appropriation for the support of Government for the year one thousand eight hundred and thirty-two.”

“To enable the Secretary of State to cause to be printed, under his direction, a selection from the Diplomatic Correspondence of the United States, between the peace of one thousand seven hundred and eighty-three and the fourth of March, one thousand seven hundred and eighty-nine, remaining unpublished in the Department of State, twelve thousand dollars.”

INTRODUCTION.

Any remarks on the propriety of publishing a Diplomatic Correspondence, which from its very nature is supposed to be confidential, would seem to be unwarranted in one exercising the ministerial duty of editing it, if the law imposing the duty had not also prescribed that of selecting those parts which ought to be published. The only instruction given to the officer to whom this duty as assigned, was in the act making appropriations for the support of Government for the year 1832, in these words: “To enable the Secretary of State to cause to be printed a selection from the Diplomatic Correspondence between the peace of 1783, and the 4th March, 1789, remaining unpublished in the Department of State, 12,000 dollars.”

No rule being given to the Secretary for his guide in making this selection, it would seem to have been trusted entirely to his discretion, if a previous resolution of Congress for a similar purpose, and the publication made under it had not given good reason to believe that nothing more was intended than a continuation of the work heretofore published. On the 27th March, 1818, Congress passed a resolution directing, among other things, that the foreign correspondence of the Congress of the United States from the first meeting thereof, down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year 1783, be published under the direction of the President of the United States, except such parts as he may deem it improper at this time to publish. The publication under this resolution was entrusted by the President to Mr. Jared Sparks, a gentleman every way qualified for the task, and the public are now in possession of twelve volumes, containing the interesting correspondence directed to be published. The intention of Congress in making the appropriation above recited could not be mistaken.

The beginning of the correspondence it directs to be published is the end of that selected by Mr. Sparks. It is then a continuation of the same correspondence; subject, however, to the same exception of such parts as may be deemed improper at this time to be made public. But the first part contains, with very few exceptions, the whole of the correspondence during
the period to which it was confined; and this course received, not only the
sanction of the President, by whose direction it was prepared, but has met
the general approbation of the people, whose representatives in Congress
have been furnished with copies of the work. It is, therefore, fair to
conclude, that in directing the continuation of Mr. Sparks’s work, Congress
intended that the same principles should govern the selection. Very few
parts, therefore, of the correspondence have been suppressed; and none
that could throw any light on the diplomatic history of the entire period
designated by the law. Mr. Sparks’s collection gives a full view of our first
efforts to procure the recognition of national character by foreign Powers. It
is, perhaps, the most interesting. We were then striving to sustain ourselves
in the situation among the nations of the earth, which, unsupported except
by our own courage and patriotism, we had assumed. The advances were to
be made with prudence, but with firmness; our national character was to be
developed; our credit to be established; our statesmen at home, and our
negotiators abroad had entered an untried and difficult path, but they
advanced in it with no little skill, and a success that is almost miraculous,
when the difficulties they had to encounter are considered. The first series
details their difficulties, shows the perseverance and firmness with which
they were conquered, and leaves us at the period when our independence
was reluctantly acknowledged by our former sovereign, as it had been
before by the other principal Power of Europe. The second series, contained
in the ensuing volumes, exhibits our foreign relations in a different attitude.
While the war continued, we were more united at home by the necessity of
defence, and more respected abroad by the relation of ally, in which we
stood to the other Powers against a common enemy. On the signature of the
treaty of peace, we stood alone, and were thrown on our own resources to
maintain a national character, and to support our credit by providing for
the foreign and domestic debt we had incurred. This could only be done by
reëstablishing our ruined navigation and commerce; but all the other
nations were in the same situation. Each was endeavoring to gain, by some
exclusive privilege in commerce, an advantage over the others. Add to this
the low state of our national and individual credit, and a hostile feeling
towards us on the part of the most commercial nation in the world, which
had naturally survived the long and successful struggle we had made
against her, and some idea may be formed of the difficult task our
diplomatists had to perform during this second period, in their attempts to
form commercial connexions with the different Powers of Europe; a
difficulty increased, too, by the natural distrust of the power of Congress to
bind the States to the performance of the stipulations they might make. (a)
These reflections are made to account for the extent to which the discretion given by the law has been carried, of publishing all the correspondence that was not deemed improper now to be published. Nothing has been deemed improper that would throw any light on transactions, of which the future historian of our country, or the biographer of any of the illustrious men who ought to figure in the annals of their country, may avail themselves. The first Secretary for Foreign Affairs, Robert R. Livingston, had resigned the office about the time that this correspondence began. The fidelity and talent of that gentleman was acknowledged by Congress, (b) and the order and punctuality he introduced into the department by all his successors. On his retirement from the office, it was left unfilled for some months, during which time the diplomatic correspondence was carried on directly with Congress, the instructions being given by the President, and the despatches of the Ministers of the United States abroad, as well as the communications of the foreign Ministers here, being addressed to him. It was under this arrangement that the present collection began, and was continued until the 21st day of December, 1784, when Mr. Jay entered upon the duties of the office, to which he had been appointed. During this first period, therefore, the correspondence reassumed the same irregular character, which had thus attended it previous to the appointment of Mr. Livingston; much method and strict attention to the details of our foreign affairs could not be expected from one charged with the duties of presiding officer of a body exercising the numerous functions which the Congress of the Confederation performed; yet the letters of that time, both from home and abroad, have very great interest. In the position the country had so lately assumed, the operation of the Government, its efficiency, its stability, were to be the foundation of the respect it wished to inspire abroad. The experiment was to be tried of conducting a Government without hereditary rank, without an established church, without a standing army, and upheld only by the will of the people. We had been aided by France, but even there the privileged orders began to perceive how fatal to them would be the triumph of our principles. In England we had few friends, and all the other Governments of Europe were either indifferent to our existence, or even unfavorable to our independence. In this state of things, it became highly important that our agents abroad should have full information of what passed at home, that they might correct false representations, lessen the injurious effect of unfavorable events, and give publicity to all those which evinced the strength of our union and value of our commerce. Hence we find that the communications from Congress to the Ministers contain authentic accounts of occurrences now little adverted to, but which then excited great interest,
and some of which bear with great force on questions which now agitate the public mind. Thus, some of the first letters of the President of Congress to our Commissioners detail the circumstances of an occurrence which proved to demonstration the utter inefficiency of a Government purely Federal, to protect itself from insults, and even to preserve its existence against the most insignificant force. Congress sat in Philadelphia, then the largest city in the Union; it was also the seat of the State government; a few hundred mutinous troops marched into the city, and invested the hall of Congress, threatening vengeance if their claims were not complied with; and that body, after applying in vain to the authority of the State for protection, had no alternative but to adjourn, first to Trenton and afterwards to New York, where they remained until the present Constitution was organised, and for a short period afterwards. (c) This event, and others of the same nature, showed the weakness, and every day’s experience the inefficiency, of the Confederation for preserving a national charter. Our Ministers abroad, who sorely felt the degradation into which the want of that character was plunging us, very naturally made that topic the subject of many of their despatches, and the suggestions of Jefferson, Adams, Jay, and other of their contemporary worthies, cannot be referred to without interest and instruction at the present day, when we are called on to appreciate the value of the Union.

Other important points in our history, which are still unsettled, come within the compass of this collection. The correspondence on the subject of our northeastern boundary, the projects of commercial treaties with France and other Powers. But a close inspection of all that was then proposed discovers nothing that we need fear to expose to the world; the same principles of perfect reciprocity, the same disavowal of any desire to obtain exclusive advantages, but to confine our claims to the enjoyment of a fair and free competition that characterize our present policy, will be found in our earliest diplomacy. And the officer charged with that duty has, therefore, in editing the papers, found nothing of importance that he has judged “improper now to be published.” But, although there was little to retrench, it is not so certain that much which ought to have appeared has not been lost. The irregularities and accidents inevitable in a bureau which has no responsible hand, will, in a great measure, account for this during the period between the resignation of Mr. Livingston and the appointment of Mr. Jay. The last-mentioned gentleman, to his other high qualifications for the office, added the same talent for method and order in business that distinguished his predecessor; and the periods of their direction present no interruptions in the usual course of the correspondence. But another cause
has combined with that before alluded to, to render a strict compliance with
the evident intention of Congress, in making this publication difficult, if not
impossible. The confused state in which the papers prior to the
establishment of the Constitution is, is such as to make it hazardous in any
officer to declare that a paper does not exist in the department, although,
after strict search, it should not be found. The mass is so great, and the
number of clerks allotted to the department so fully employed with its
ordinary business, that no arrangement of the old papers can take place
without some express appropriation; and without such arrangement it
depends greatly on chance to discover any particular paper that may be
sought for in the mass. This has been, by the present head, repeatedly
brought to the notice of Congress, but without any result. And it is adverted
to here for his justification, if hereafter some document which ought to
have appeared in this collection should be discovered, when provision shall
be made for arranging the old papers according to subjects and dates,
bounding them in proper book, with a catalogue raisonné of all, and an index
to each.
In the classification of the correspondence now published, that of countries
has been preferred, and has been preserved as far as was possible.
Ministers in one country having been frequently charged with business
relating to another, that division has not been always practicable; but, on
the whole, the commencement and progress of our relations with each
country, during the period contained in this collection, will generally be
found under its proper head.

(a) A proof of this distrust is found strongly expressed in a letter from the
Duke of Dorset to Mr. Adams, in answer to an overture for negotiating a
treaty of commerce. The only action of the General Government at that
time upon the States being by recommendations, the want of confidence
was natural, although not very civilly expressed; and in point of fact no
treaty of the kind could be concluded with Great Britain until after the
powers of the General Government were enlarged.
FROM THE DUKE OF DORSET TO THE COMMISSIONERS.
Paris, March 26, 1785.
Gentlemen,
Having communicated to my Court the readiness you expressed in your
letter of treating upon such points as may materially concern the interests,
both political and commercial, of Great Britain and America, and having, at
the same time, represented that you declared yourselves to be fully
authorized and empowered to negotiate, I have been, in answer thereto,
instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested; whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. A committee of North American merchants have waited upon his Majesty’s principal Secretary of State for Foreign Affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of Congress could avail in any respect where the interests of any one individual State was even concerned, and particularly so where the concerns of that particular State might be supposed to militate against such resolutions as Congress might think proper to adopt.

The apparent determination of the respective States to regulate their own separate interests renders it absolutely necessary, towards forming a permanent system of commerce, that my Court should be informed how far the Commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual.

I have the honor to be, &c., DORSET.

(b) Extract from the Journals of Congress, June 4, 1790.

“Mr. Livingston having signified to Congress his desire of relinquishing the exercise of the Office of Foreign Affairs, and his intention of returning to the State of New York,

Resolved, That the Secretary of Congress be directed to receive the papers of the said office into his care till a successor to Mr. Livingston can be appointed; and that next Wednesday be assigned for the election of a Secretary for the Department of Foreign Affairs.

Resolved unanimously, That the thanks of Congress be presented to Mr. Livingston for his services during his continuance in office; and that he be assured Congress entertain a high sense of the ability, zeal, and fidelity with which he had discharged the important trust reposed in him.”

(c) That provision in the present Constitution of the United States which gives to “Congress the exclusive legislation, in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States,” was probably suggested by a recollection of the mutinous conduct referred to, and by the want of any direct power or authority under the Confederation in the old Congress, to repress or punish that or any other outrage against itself of its individual members.
PREFACE.
We now submit to the People of the United States, the first fruits of our long and arduous labours. We offer the present Volume as a specimen of the manner in which our Work will be accomplished. The undertaking in which we have embarked is, emphatically, a National one: National in its scope and object, its end and aim.
The tendency of the present age has been justly and philosophically designated as historick. At no former period of the world has this characteristick been so strikingly manifested. The learning, the industry, and the sagacity of the most profound intellects have been devoted in exploring the deepest recesses, and in gathering the most widely scattered rays, for the purpose of pouring their concentrated lights upon the history of the past. The Annals of the remotest ages, and the most distant countries, have been examined with equal diligence and learning, and new and valuable lights have been thrown even upon the antiquities of Egypt of Greece, and of Rome.
The same tendency has been exhibited in developing the early history of existing Nations. Ancient records have been disinterred from the dust of ages, the most obscure receptacles of historick materials have been explored, almost obliterated records have been restored, scattered documents have been collected, and forgotten writers have been republished. A combined and vigorous effort appears to be making, throughout the civilized world, together, to preserve and to scrutinize all the memorials which can rescue the history of the past from the obscurity in which has enveloped them.
Nor has this important subject been allowed to depend, exclusively, upon individual means and private enterprise. In England, and in France especially, the Government has long since perceived and recognized the truth, that the national character and the national interests, are intimately connected with the success of these undertakings. The Publick Offices have been laid open and their rich treasures submitted to the inspection of the inquirer after historick truth. With a liberality deserving of the highest commendation, this privilege has been extended as well to foreigners as to natives, and Brequigny and Von Reaumer are not the only instances in which the records of one Nation have been employed by the historian of another. This liberty has, in several instances, been accorded to our own
citizens, and the Publick Offices in *London* have been opened, and Documents allowed to be transcribed, for the purpose of verifying the general history of the *United States*.

Nor has this publick interest been confined within these limits. Large pecuniary expenditures have been made with the view to promote these objects, and to aid in publications for the completion of which the resources of individuals were inadequate. In some instances Governments have, themselves, undertaken the work, and by the instrumentality of their own agents, and the employment of their own means, have labored in the dissemination of such information as was calculated to illustrate their past history. The Record Commission of *England*, and that organized in *France*, under the supervision of the Minister of Publick Instruction, in conformity with the recommendation of M. *Guizot*, are too well known to require more than this general allusion to them.

If in *Europe* there exist sufficient motives to prompt to such undertakings, how infinitely more weighty and more efficient ought they to be among us. These inquiries, originating in the liberal and inquisitive character of the age, may be expected to be most zealously pursued in those countries where freedom prevails. Designed, as they are, to exhibit the fundamental principles of government, they might naturally be expected to be the most warmly cherished, where free institutions exist. Independently of this, all our historical memorials are of comparatively recent date, they are written in a language familiar to all, they tend to illustrate existing institutions, and a history which still retains all its personal interest. A complete collection of the materials for a history of this country would not only be a proud monument to the memory of our ancestors, whose deeds they commemorate and whose opinions they embody, but would serve as an invaluable guide to us and to our posterity, by exhibiting the vital spirit which has pervaded the past, the true foundations upon which our institutions rest, and the essential principles upon which their existence and perpetuity depend. It would furnish an ample vindication of those who have preceded us upon this stage, from the imputations which ignorance and prejudice have labored to cast upon their motives and their acts; and our free institutions, by having their foundations laid open to the world, and the whole plan of their structure exhibited, will recommend themselves, more and more, to the philosophical inquirer, and to the affection and imitation of mankind.

If history be philosophy teaching by example, how infinitely instructive must be the history of such a country as this. The example which it presents is the purity of principle, the singleness of effort, the stern adherence to
constitutional right, the manly subordination to law, the indignant hostility to usurpation, which are manifested in every page of our past history; the philosophy it inculcates is—that the same purity of motive, the same respect for lawful authority, the same opposition to tyranny, the same vigilance in detecting the first insidious approaches of despotism, the same stern resolution in resisting its progress, which mad us a Nation, are equally essential, as the means of preserving those liberties our fathers bequeathed to us, and those institutions which they framed.

Even to this day much ignorance and much misapprehension prevail as to the principles of the American Revolution, and the true character and tendency of our institutions. Nor is this ignorance altogether confined to foreigners, it exists, to a great extent, among ourselves. By many superficial persons, it is supposed that the American Revolution began with the battle of Lexington, and terminated with the evacuation by the British Troops of these United States. It seems to be the opinion of such, that the whole history of that Revolution is to be found in the narrative of the campaigns of that War. Widely different from this is the truth, as developed by history; widely different was the opinion of those who mainly aided in severing the connexion with Great Britain. “What do we mean by the American Revolution?” asks one of the most prominent actors in those days: “Do we mean the American Revolution? The Revolution was effected before the War commenced. The Revolution was in the mind and heart of the people. The radical change in the principles, opinions, sentiments, and affections of the people was the real American Revolution.”

Even this language may, without due reflection, be understood in a sense not contemplated by its illustrious author. A full and careful examination of the history of the times will abundantly show, that so far as regards the nature and extent of their rights, and the foundations upon which they were claimed, there was, substantially, no revolution or change in the principles of the American People. The first emigrants to these shores brought with them, in their full vigour, in the original purity, and in their complete development, the principles of the American Revolution. They abandoned their native homes, they crossed the ocean, braved the horrors of an inhospitable clime, encountered the perils of the tempest, of war, and of famine, to escape the burthen of governmental oppression. They braced all, and encountered all, in the same cause for which their sons subsequently fought and bled. From the moment they placed their feet upon the soil of this Western Hemisphere, they asserted and maintained their independency of the Parliamentary power of taxation, and denied, to that extent, the authority of a Legislature in which they were not, themselves,
represented. Although the Colonies were, originally, settled by individual enterprise, and by insulated rather than combined efforts, yet the Colonists, at a very early period, perceived the advantages of union in repelling or resisting a common foe. The Colonial history is replete with evidence of the truth of the preceding remarks. The first Legislative Assembly held in America was convened at Jamestown, in Virginia, as early as 1619. The proceedings of the Provincial Assemblies of Plymouth, in 1636, of Maryland, in 1650, of Rhode-Island, in 1663, of New-York, in 1691, and of Massachusetts, in 1692, may be referred to, as showing how deeply rooted and how widely diffused, even at these remote periods, were the true and essential principles which, subsequently expanding into maturity, produced the fruits of the American Revolution. In 1696 a pamphlet was published, recommending the imposition of taxes in the Colonies by authority of Parliament. It did not escape the notice of the vigilant friends of American Liberty. Two answers to this publication appeared, which seem to have attracted general attention, and in which the doctrine was broadly asserted and maintained, that no such right existed in Parliament, because the Colonies were not represented in that body. The idea of combining their efforts in matters of common interest to all may be traced back to a period nearly as remote. In 1690 a communication was addressed by the General Court of Massachusetts to the Governors of the neighbouring Colonies, desiring them to appoint Commissioners “to meet, advise, and conclude upon suitable methods in assisting each other, for the safety of the whole land.” Such a meeting was, accordingly, held, and evidence exists inducing the belief, that it was styled by the now familiar and revered name of Congress.

Nor did the principles for which the Colonists contended originate on this side of the Atlantick. The doctrine that representation and taxation were essentially and indissolubly connected, was claimed as a portion of English Liberty, as interwoven in the very structure of the English Constitution, and as recognized among the most ancient and firmly established principles of the Common Law. It was no innovation, serving as a cloak for rebellion and revolution. It was drawn from the most ancient and pure fountains of Liberty, and sanctioned by the authority of the most eminent judicial characters in the British Parliament.

It is a source of honest pride, in reverting to the contemporaneous history of England, to contrast the characters of the individuals who, at times, it is true, with some modifications, yet conferring in the great and essential principles upon which our ancestors placed themselves, sustained the doctrines which were designated as American, with those who originated
and defended those measures of the Ministry which drove the Colonists first to resistance, and, finally, to a dissolution of the political connexion by which they had so long been bound to the Mother Country. Such an examination will conduct to the conclusion, that had the questions upon which the controversy turned, assumed a judicial instead of a political character, and been carried for decision before the English Courts, the same eminent Judge, who first decided against the legality of general warrants, would have pronounced it to be the law of the land that these Colonists were not subject to the taxing power of Parliament.

The Work, of which the present volume is a specimen, will clearly unfold and develop the whole foundation of American principles, and will exhibit to the world the most conclusive evidence that they were, without exception, grounded in strict right, based upon constitutional Law, and upon the well settled doctrines of the English Government: that there was no taint or tinge of anarchy, of insubordination to all authority, no novelty, no innovation. The important, practical truth will be clearly deducible from these premises, that if such be the foundations they must ever constitute the support of our institutions. Their beautiful simplicity, their fair proportions, their majestick symmetry, and their stable grandeur, will equally recommend them to our love and veneration, and to the respect and imitation of others.

In the examination of the contents of these Volumes, a casual observer may, perhaps, at the first view, be struck with the character of much of the material which we have collected. A more mature consideration will satisfy, we apprehend, every mind, that although much of it has been drawn from perishable and ephemeral sources, no faithful portrait of the times could be presented, formed from other ingredients.

A distinguished foreign jurist has said, that laws are not to be created, but must create themselves; and the observation is equally true in its application to all that comes within the scope of legislation, whether political or municipal in its immediate character. Burke has, with his accustomed philosophical sagacity, remarked, that “to follow, not to force, the publick inclination, to give a direction, a form, a technical dress, and a specifick sanction to the general sense of the community, is the true end of legislation.”

If this be true in any country, and under any institutions, most emphatically is it true, and ever has been true, among us. Without concurring altogether in the observation of De Tocqueville, that the journals are the only historical monuments of the United States, it may, without fear of contradiction, be asserted, that there exist no sources of historical
information in a free and enlightened country, so rich and so valuable, as its publick journals, and the proceedings and debates of its publick bodies and associations. It is peculiarly the case, at such times as those comprehended within the scope of our Work. Constitutions were to be formed, the whole frame of Government to be constructed, legislative bodies to be organized, and in this preliminary action, as well as in the movements of the machine when brought into life, publick opinion was to be the efficient and vital principle. This publick opinion must, necessarily, be created, as well as manifested, through the instrumentality of the means which have been indicated.

It was urged on more than one occasion and by high authority in England, that the American contest originated in, and was sustained by, the selfish or ambitious designs of a few leading individuals. That personal interest gave it birth, and sustenance, and support. This was only one of the palpable misrepresentations and gross delusions of the times. The present Work will show, beyond the possibility of future rational doubt, that the roots of American freedom had penetrated into every corner of our land and drew their active and living nourishment from every family fountain. Every reader of this compilation will perceive as one of the most distinctly marked facts which it establishes, that the American Revolution was the act of the whole American People, and that all our institutions are the work of the same creator. This we esteem as one of the most precisely taught lessons of our history, and if properly appreciated and applied, the most valuable which it inculcates. We shall learn that unless the People, as such, had worked out their own rescue from the oppression, which was rather seen in perspective than actually endured, all the personal influence and intellect of the great men of the day would have failed to accomplish this result. Happy will it be for our beloved country, if, drawing the obvious inference from this history of the past, every American citizen shall be impressed with the conviction that as he is individually interested, in the blessings which freedom confers, so there is imposed upon him the personal duty and sacred trust of vigilantly watching and manfully sustaining that liberty which has been transmitted to him.

It would be unnecessary, on this occasion, to enter into a minute detail of the sources from which we have drawn the materials of this compilation. It may not be unnecessary, however, to observe that, in the prosecution of our labours, we have, personally, examined the publick records in each of the thirteen original States. We regret to say, that we have found these, in some instances, in a lamentable state of deterioration, confusion, and decay; many important documents and publick proceedings appear to be
irretrievably lost. We have, however, the satisfaction of believing, that the inquiries and examinations we have instituted, have, in some instances, been instrumental in rescuing many of inestimable value from the very jaws of destruction; and, in others, in awakening a feeling of interest in the memorials of our past history, which promises to result in a more persevering search for such as may still remain in existence, and a more careful preservation of such as have survived the hazards to which they have been exposed. No doubt is entertained, but that there still exist, not only in publick places of deposite, but in family archives, papers of great importance to illustrating the history of the times, and we would earnestly press upon individuals, in whose possession such documents may be found, a minute examination among them, and a careful preservation of such as possess general interest; more particularly, the correspondence of the members of the various Committees, Conventions, Assemblies, and Congresses. Any communication made to the Editor of copies of such documents, or a notification of their existence, with the liberty of inspecting and using them, will confer not only a personal favour, but promote the general good. Papers belonging to the period of time embraced by the present Volume, which may be obtained hereafter, will be inserted in a Supplement to this Series of the work.

WASHINGTON, December, 1837.

TABLE 112O
LIFE OF GEORGE WASHINGTON
1839
{WORD COUNT: 412}

PREFACE.
The contents of this volume are essentially the same, as those of the volume prefixed to WASHINGTON’s WRITINGS. It being designed chiefly for readers, who may not have access to that work, such additions have been made, as the prescribed space would admit, and as would contribute to enhance its value in this form of a separate publication.
The materials for the Life, as well as for the large work, have been drawn from a great variety of sources; from the manuscripts at Mount Vernon, papers in the public offices of London, Paris, Washington, and all the old Thirteen States; and also from the private papers of many of the principal leaders in the Revolution. The entire mass of manuscripts left by General Washington, consisting of more than two hundred folio volumes, was in the author’s hands ten years. From these materials it has been his aim to select
and combine the most important facts, tending to exhibit in their true light the character, actions, and opinions of Washington. The narrative form was chosen, as the best suited to his object. He has not attempted to write an essay, dissertation, or eulogy, but has confined himself to a biographical sketch, introducing events and incidents in their natural order, with no other remarks or reflections of his own, than such as seemed necessary to preserve just proportions in the parts, and a unity in the whole. Such has been the author’s aim; how far he has succeeded in attaining it, the reader will judge.

In delineating the career of Washington, nearly the whole of whose life was passed on a conspicuous public theatre, it is not possible for his biographer to avoid encroaching at almost every step on the department of history. His personal and public acts were so closely identified with each other, that they can seldom be separated. The narrow limits of this narrative, compared with the extent of the subject, would not allow of digressions, and, from the nature of the task, no more could be done than to touch on the historical events in which he was immediately concerned, although these may have been intimately connected with many others of great moment. Whoever would understand the character of Washington, in all its compass and grandeur, must learn it from his own writings, and from a complete history of his country during the long period in which he was the most prominent actor.

JANUARY, 1839.

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<tr>
<td>PAPERS OF JAMES MADISON</td>
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NOTICE.

JAMES MADISON died, in the eighty-fifth year of his age, at his residence, Montpelier, in Orange county, Virginia, on the 28th of June, 1836. On the 30th of the same month, the President of the United States transmitted, by Mr. Donelson his Secretary, the following message to the Senate and House of Representatives:

“To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of JAMES MADISON, Ex-President of the United States. He departed this life, at half past six o’clock on the morning of the twenty-eighth instant, full of years and full of honours.
“I hasten this communication, in order that Congress may adopt such measures as may be proper, to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind. ANDREW JACKSON.”

In the Senate, after the message from the President had been read, Mr. RIVES of Virginia made the following remarks:

“MR. PRESIDENT: I feel that it would be an act of sacrilegious temerity, were I to attempt to add to the intrinsic pathos of the melancholy intelligence just announced to us by the President of the United States, by any thing in the way of eulogy of the character of the great man whose decease he has communicated to us. The eulogy of Mr. MADISON is written in every page of the history of his country, to whose service his whole life was devoted; and with every great event in whose annals, his name stands conspicuously and enduringly identified. Filled, however, as his life was, from its dawn to its close, with labours of patriotism and superior wisdom, there is one great work of his which must ever recur prominently to the grateful memory of his country. He was, in an especial manner, the founder and author of that glorious Constitution which is the bond of our union and the charter of our liberties; and it was graciously vouchsafed to him, in the order of Providence, to witness for a longer period than any of his illustrious colleagues, the rich blessings which have resulted from its establishment. He was the last surviving signer of that sacred instrument. Amid the general grief which pervades the nation, may we not indulge one consolation at least, in the hope that his death, whilst adding the last seal to his own fame and glory, will in some sort canonize the work of his hands, and surround, with a new veneration, that precious relic of the wisdom of our departed patriots and sages.

“But, sir, I will not speak of the public life of Mr. MADISON; it is known to us all; it is appreciated by us all. It was my privilege to see and know him in the scenes of that classic retirement in which he passed the evening of his days. It was there that the mild luster of his private virtues, which formed the crowning grace of his character, and is the indispensable complement of a true public glory, was seen and felt. But who can paint him there? Who can adequately describe that fascinating suavity of temper and manners; that spirit and grace of conversation, so happily blended with the oracles of philosophy and experience; that amiable and cultivated benevolence, ever watchful of the feelings and comfort of others, even in the minutest trifles, which together formed around the hearth of Montpelier, a group of social virtues and attractions which, however incompetent the powers of language
to portray, those who have felt their influence can never forget? In speaking of these things, Mr. President, I am but too forcibly reminding of my own personal loss, in the general and national calamity which we all bewail. I was the neighbor of Mr. MADISON, sir, and enjoyed his kindness and friendship; and if in speaking of a great national bereavement, my mind recurs too fondly to the chasm his death has left in the immediate circle of his friends, something I trust will be pardoned to the feelings of the heart. “It is my melancholy satisfaction to have received, in all probability, the last letter ever signed by his hand. It bears date only six days before his death, and furnishes, in its contents, a striking illustration of that amiable benevolence and sensibility to the kindness of others, which formed so prominent a trait in his character. In that letter, which is now before me, he spoke of his enfeebled health; and his trembling and unsteady signature, so much in contrast with the usual firmness and regularity of his writing, bore a graphic and melancholy intimation of his approaching end. Still I trusted that his light might hold out till the fourth of July, that he might be restored, on that glorious anniversary, to an immortal companionship with those great men and patriots with whom he had been intimately connected in life, and whose coincident deaths, on the birthday of the nation’s freedom, had imported to that day, if possible, an additional and mysterious illustration. But it has been ordered otherwise. His career has been closed at an epoch which, forty-nine years ago, witnessed his most efficient labours in the illustrious assembly which laid the foundations of our present system of government, and will thus, by the remembrance of his death, as well as by the services of his life, more closely associate him with that great work which is at once the source and guarantee of his country’s happiness and glory.

“What honours, Mr. President, are there, by which we can do justice to a character which history will hold up to future ages as a model of public and private virtues, not surpassed by the brightest examples in ancient or modern times? Sir, there are none. Still it is proper that, as representatives of the American people, we should show by some suitable manifestations, how sincerely and deeply we participate in the universal feeling of grief on this mournful occasion; and I move you therefore the following resolution: “Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House, to consider and report, by what token of respect and affection, it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. MADISON, just announced by the President of the United States.”
The resolution was unanimously adopted by the Senate, and a committee was appointed by the Chair consisting of the following Senators: Messrs. Rives of Virginia, Clay of Kentucky, Calhoun of South Carolina, Grundy of Tennessee, Buchanan of Pennsylvania, Leigh of Virginia, and Tallmadge of New York.

In the House of Representatives, after the message from the President had been read, Mr. Patton of Virginia, made the following remarks:

“Mr. Speaker: The particular relation in which I stand, as his immediate representative and personal friend, towards the great public benefactor whose decease, ‘full of years and full of honours,’ has just been announced by the message of the President of the United States, has induced the Virginia delegation to devolve upon me, the mournful duty of proposing for the adoption of the House, the resolution I am about to offer, for the purpose of determining upon the course to be pursued for giving expression to the national sensibility to the great bereavement we have suffered.

“I do not, however, Mr. Speaker, feel it to be a suitable occasion on which to employ or indulge in any studied phrase of panegyric on the public or private virtues of the venerable man whose loss we deplore.

“It is true, sir, that early imbued with the sincerest veneration for the character of Mr. Madison; with the profoundest admiration of his talents, and the warmest gratitude for his eminent and varied public services; there is no language that I could employ which would exaggerate the deep emotion with which I have been impressed by the melancholy intelligence of his death. And I am sure that it would be equally impossible for me to speak of him in any terms that would depict an individual, pre-eminent in all the virtues of social and private life, or one that combined the merits of a patriot, statesman and sage, that would not find a ready and fully response in the minds and hearts of all who hear me. But it is not a feeble effort of this kind, such as I could make, nor even the highest effort of human eloquence, the lofty inspiration of poetry, ‘the storied urn or animated bust,’ that can rear an appropriate monument to the memory of Mr. Madison, or erect a suitable monument to his fame.

“His appropriate and enduring eulogium is to be found inscribed in those pages of his country’s history which are identified with her honour and glory. It is engraved on every pillar of that splendid fabric of constitutional liberty under which we live. It is identified with the existence of that glorious union of confederated States which he contributed so essentially to form, and the maintenance and preservation of which, with all its numerous blessings, were the constant object of his care during his long,
laborious and useful public life, and of his most earnest and anxious
solicitude in the shades of retirement.
“And, Mr. Speaker, another and not less decisive and more affecting
evidence of his merit and title to public gratitude, will be found in the deep
grief with which his loss will be deplored, by every man in the nation as a
great national calamity. I offer the resolution which I now send to the chair.
“Resolved, That a committee be appointed on the part of this House, to join
such committee as may be appointed on the part of the Senate, to consider
and report by what token of respect and affection, it may be proper for the
Congress of the United States, to express the deep sensibility of the nation
to the event of the decease of Mr. Madison, just announced by the President
of the United States to this House.”
The resolution having been read,
Mr. ADAMS rose and addressed the Speaker. “By the general sense of the
House,” he said, “it is with perfect propriety that the delegation from the
commonwealth of Virginia have taken the lead, in the melancholy duty of
proposing the measures suitable to be adopted, as testimonials of the
veneration due from the legislature of the Union, to the memory of the
departed patriot and sage, the native of their soil, and the citizen of their
community.
“It is not without some hesitation and some diffidence, that I have risen to
offer, in my own behalf, and in that of my colleagues upon this floor, and of
our common constituents, to join our voice at once of mourning and of
exultation, at the event announced to both Houses of Congress, by the
message from the President of the United States—of mourning at the
bereavement which has befallen our common country, by the decease of
one of her most illustrious sons; of exultation at the spectacle afforded to
the observation of the civilized world, and for the emulation of aftertimes,
by the close of a life of usefulness and glory, after forty years of service in
trusts of the highest dignity and splendour that a confiding country could
bestow, succeeded by twenty years of retirement and private life, not
inferior in the estimation of the virtuous and the wise, to the honours of the
highest station that ambition can ever attain.
“Of the public life of JAMES MADISON, what could I say that is not deeply
impressed upon the memory and upon the heart of every one within the
sound of my voice? Of his private life, what but must meet an echoing shout
of applause from every voice within this hall? Is it not, in a pre-eminent
degree, by emanations from his mind that we are assembled here as the
representatives of the people and States of this Union? Is it not
transcendently by his exertions that we all address each other here by the
endearing appellation of countrymen and fellow-citizens? Of that band of benefactors of the human race, the founders of the Constitution of the United States, JAMES MADISON is the last who has gone to his reward. Their glorious work has survived them all. They have transmitted the precious bond of union to us, now entirely a succeeding generation to them. May it never cease to be a voice of admonition to us of our duty to transmit the inheritance unimpaired to our children of the rising age.

“Of the personal relations of this great man, which gave rise to the long career of public service in which twenty years of my own life have been engaged, it becomes me not to speak. The fulness of the heart must be silent, even to the suppression of the overflowing of gratitude and affection.”

The resolution was then unanimously adopted, and the following named members were appointed of the committee on the part of the House: Messrs. PATTON of Virginia, MASON of Maine, CUSHMAN of New Hampshire, ADAMS of Massachusetts, TRACEY of Connecticut, PEARCE of Rhode Island, ALLEN of Vermont, WARD of New York, PARKER of New Jersey, ANTHONY of Pennsylvania, MILLIGAN of Delaware, WASHINGTON of Maryland, DEBERRY of North Carolina, GRIFFIN of South Carolina, COPFEE of Georgia, JOHNSON of Kentucky, DUNLAP of Tennessee, McLENE of Ohio, RIPLEY of Louisianna, CARR of Indiana, CLAIBORNE of Mississippi, REYNOLDS of Illinois, LYON of Alabama, and HARRISON of Missouri.

The same day Mr. RIVES reported to the Senate, and Mr. PATTON to the House of Representatives, from the Joint Committee, the following:

“The President of the United States having communicated to the two Houses of Congress, the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, JAMES MADISON of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce,

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and Speaker of the House of Representatives be shrouded in black during the present session; and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses wear the usual badge of mourning for thirty days.

“Resolved, That it be recommended to the people of the United States to wear crepe on the left arm, as mourning, for thirty days.

“Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. MADISON, and to assure her of the profound respect of the two Houses of Congress for her person and
character, and of their sincere condolences on the late afflicting disposition of Providence.”
The report and resolutions were unanimously adopted in both Houses.
On the same day the following General Orders were issued from the Navy Department:

“NAVY DEPARTMENT, 30th June, 1836.
To the officers of the Navy and Marine Corps:
The President of the United States, with deep affliction, announces to the navy and marine corps the death of the illustrious statesman and patriot JAMES MADISON, late President of the United States, who died at Montpelier on the morning of the 28th instant.
“As a testimony of the high sense of feeling for the loss which our country has sustained, in the death of this great and good man, and in which the navy and marine corps participate with the whole American people, the President directs that funeral honors be paid to him by the vessels of the navy in our own and foreign ports, by wearing their colours half-mast, for one week; that twenty-one minute guns be fired at each navy yard and in all public vessels in commission at 12 o’clock, M. on the day after this order shall be received; and that the officers of the navy and marine corps wear crepe on the left arm for six months.
“MAHLON DICKERSON.”

On the next day the following General Orders were issued from the War Department:

“HEADQUARTERS OF THE ARMY,
Adjutant General’s Office,
Washington, July 1, 1836.
The Major General commanding in Chief, has received through the War Department the commands of the President to announce to the Army the death of the illustrious statesman and patriot Ex-President MADISON; who died at his seat at Montpelier, in Virginia, on the morning of the 28th of June.
“As a testimony of the feeling for the loss which the nation has sustained in the death of this great and distinguished citizen, in which the Army participates, the President directs that funeral honors, agreeably to the regulations, be paid to the memory of the deceased, at all the military posts, the day after the receipt of this Order; and by the army in the field, where circumstances will permit.
“BY COMMAND OF MAJOR GENERAL MACOMB.
R. JONES,
Adjutant General.”
On the 9th of July, 1836, the President of the United States transmitted the resolutions of the Senate and House of Representatives to Mrs. MADISON with the following letter:

“WASHINGTON, July 9th, 1836.

MADAM: It appearing to have been the intention of Congress to make me the organ of assuring you of the profound respect entertained by both its branches for your person and character, and of their sincere condolence in the late afflicting dispensation of Providence, which has at once deprived you of a beloved companion, and your country of one of its most valued citizens; I perform that duty by transmitting the documents herewith enclosed.

“No expression of my own sensibility at the loss sustained by yourself and the nation could add to the consolation to be derived from these high evidences of the public sympathy. Be assured, Madam, that there is not one of your countrymen who feels more poignantly the stroke which has fallen upon you, or who will cherish with a more enduring constancy the memory of the virtues, the services, and the purity of the illustrious man, whose glorious and patriotic life has been just terminated by a tranquil death.

“I have the honour to be, Madam, your most obedient servant,

ANDREW JACKSON.

“To Mrs. D. P. MADISON,

“Montpelier, Virginia.”

The following is the reply of Mrs. MADISON:

“Montpelier, August 20, 1836.

“I received, sir, in due time, your letter conveying to me the resolutions Congress were pleased to adopt on the occasion of the death of my beloved husband—a communication made the more grateful by the kind expression of your sympathy which it contained.

“The high and just estimation of my husband by my countrymen and friends, and their generous participation in the sorrow occasioned by our irretrievable loss (expressed through their supreme authorities and otherwise) are the only solace of which my heart is susceptible, on the departure of him who had never lost sight of that consistency, symmetry and beauty of character in all its parts, which secured to him the love and admiration of his country, and which must ever be the subject of peculiar and tender reverence to one whose happiness was derived from their daily and constant exercise.

“The best return I can make for the sympathy of my country is to fulfil the sacred trust his confidence reposed in me—that of placing before it and the
world what his pen prepared for their use—a legacy the importance of which is deeply impressed on my mind.

“With great respect, D. P. MADISON.”

“To the PRESIDENT OF THE UNITED STATES.”

On the 15th November following, Mrs. MADISON addressed the following letter to the President:

“Montpelier, November 15, 1836.

“Sir: The will of my late husband, JAMES MADISON, contains the following provision:

‘Considering the peculiarity and magnitude of the occasion which produced the Convention at Philadelphia, in 1787, the characters who composed it, the Constitution which resulted from their deliberations, its effects during a trial of so many years on the prosperity of the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States, and to all who take an interest in the progress of political science and the cause of true liberty.’

“This provision bears evidence of the value he set on his Report of the Debates in the Convention, and he has charged legacies on them alone to the amount of twelve hundred dollars for the benefit of literary institutions and for benevolent purposes, leaving the residuary net proceeds for the use of his widow.

“In a paper written by him, and which it is proposed to annex as a preface to the Debates, he traces the formation of confederacies and of the Articles of Confederation; its defects which caused and the steps that led to the Convention; his reasons for taking the Debates and the manner in which he executed the task; and his opinion of the framers of the Constitution. From this I extract his description of the manner in which they were taken, as it guarantees their fullness and accuracy.

‘In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed, I noted down, in terms legible, and in abbreviations and marks intelligible to myself, what was read to the chair or spoken by the members; and losing not a moment unnecessarily between the adjournment and re-assembling of the convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved in my own hand on my files.”
“‘In the labor and correctness of this, I was not a little aided by practice, and by a familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened also that I was not absent a single day, nor more than the casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one.’

“However prevailing the restraint which veiled, during the life of Mr. MADISON, this record of the creation of our Constitution, the grave which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or to them. His anxiety for their early publicity after this was removed, may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend Thomas Jefferson, and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfil the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other works; and early measures were accordingly adopted by me to ascertain from publishers, in various parts of the Union, the terms on which their publication could be effected.

“It was also intended to publish, with these Debates, those taken by him in the Congress of the Confederation, in 1782, ’3 and ’7, of which he was then a member, and selections made by himself, and prepared under his eye, from his letters narrating the proceedings of that body during the periods of his service in it, prefixing the Debates in 1776 on the Declaration of Independence by Thomas Jefferson, so as to embody all the memorials in that shape known to exist. This exposé of the situation of the country under the Confederation, and the defects of the old system of government, evidenced in the proceedings under it, seems to convey such preceding information as should accompany the Debates on the formation of the Constitution by which it was superseded.

“The proposals which have been received, so far from corresponding with the expectations of Mr. Madison when he charged the first of these works with those legacies, have evidenced that their publication could not be engaged in by me, without advances of funds and involving of risks, which I am not in a situation to make or incur.

“Under these circumstances, I have been induced to submit for your consideration, whether the publication of these Debates be a matter of sufficient interest to the people of the United States to deserve to be brought to the notice of Congress. And should such be the estimation of the utility of these works by the representatives of the nation, as to induce them
to relieve me individually from the obstacles which impede it, their general circulation will be insured, and the people be remunerated by its more economical distribution among them.

"With high respect and consideration, D. P. MADISON.

"TO THE PRESIDENT OF THE UNITED STATES."

On the 8th December, immediately after the meeting of Congress, the President transmitted the preceding correspondence to the Senate and House of Representatives with the following message:

"Washington, December 6, 1836.

"To the Senate and House of Representatives:

"I transmit herewith to Congress, copies of my correspondence with Mrs. MADISON, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. MADISON's own hand, under circumstances that give it claims to be considered as little less than official. "Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the Revolutionary Congress, and of the Convention that formed the Constitution of the United States. I am persuaded that the work of Mr. MADISON, considering the author, the subject matter of it, and the circumstances under which it was prepared—long withheld from the public, as it has been, by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away—well deserves to become the property of the nation, and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and succeeding generations, accurate knowledge of the principles of their Government, and the circumstances under which they were recommended and embodied in the constitution, for adoption.

"ANDREW JACKSON."

The message of the President was referred to the Joint Library Committee, who, on the 24th January, 1837, reported a resolution authorizing that committee "to contract for and purchase, at the sum of thirty thousand dollars, the manuscripts of the late Mr. MADISON, referred to in the letter from Mrs. MADISON to the President, dated 15th November, 1836, and communicated in his message of the 6th December; conceding to Mrs. MADISON the right to use copies of the said manuscripts in foreign countries, as she might think fit."
In the Senate, on the 18\textsuperscript{th} February, Mr. ROBBINS of Rhode Island advocated the passage of the resolution in the following remarks:

“I consider this work of Mr. MADISON, now proposed to be given to the world under the patronage of this Government, as the most valuable one to mankind that has appeared since the days when Bacon gave to the world his \textit{Novum Organon}. That produced that revolution in analytics, which has occasioned the immense superiority of the moderns over the ancients in the knowledge of Nature, and in the improvement of the condition of human life—the fruit of that knowledge. With Bacon it was a mere theory; a theory, however, which he fondly cherished, and confidently believed would be prolific, as it has been, of the most magnificent results; but in the hands of Newton, and of his other disciples and followers, it became a practical guide to those astonishing discoveries which, in their consequences, have, among other things, converted those elements of Nature, before supposed only to be controlled by the same Almighty hand which formed them, into the ministers and agents of man, obedient to his will and subservient to his use. It has enable man to draw the veil from the face of Nature; to inspect her mechanism; and to avail himself of her principles for the augmentation of his own power. It has given him power after power; and is still going on to give him power upon power, as his researches go on in exploring her boundless fields, and in making discovery upon discovery; and to this growing increase of human power, no human being can now assign the possible limits. True, it has not enabled man, as it was fabled of him by the poets of old, to steal the fire from the heavens; but it has enabled him to do more and better—it has enabled him to become an humble pupil in the school of the Divine Artist; and, by studying his models, to copy his agencies, though at the immeasurable distance which separates a finite from the Infinite Being.

“As this Organon of Bacon has been the beacon-light of mankind to guide him to true philosophy, and to the improvement of his physical condition, so will this work of MADISON, as I trust and predict, be his beacon-light to guide him to the true science of free government, and to the improvement of his political condition;—the science of free government; the most difficult of all the sciences, by far the most difficult, while it is the most important to mankind; of all, the slowest in growth, the latest in maturity. Not the science which has penetrated the causes and explained to mankind the phenomena of the heavens is so difficult; that has been found of easier and more rapid attainment. Indeed the difficulties to be overcome in evolving this science are so great, that we are to wonder less at its tardy advances, than at its final success. In the first place, it requires the deepest
and most perfect insight into the nature of man: of man not only in his general nature, but as modified by society, which every where has superinduced and clothed him with a second nature denominated habit; and that as diversified as the country he inhabits. Then it requires that faculty of comprehensive combination, which is the rarest of all the gifts of God to man, and which, whenever and wherever it appears, seems destined to produce an era in human affairs; a faculty of combining into a whole, where the elements to be combined are so various as to be almost infinite; a whole, perfect in relation to all its parts, and its parts perfect in relation to the whole. Besides, the perfect model of a free government is not like the perfect model of any other science. Of every other science, the perfect model any where is the perfect model every where, and every where alike is perfect. The perfect watch at Washington, for instance, is the perfect watch at Canton, and so all over the globe; but not so the perfect model of a free government: in that, though the principles are the same every where, the form varies as the circumstances vary, of the people by whom it is established; to which circumstances it must always be adjusted and made to conform.

"Here, with us, the difficulties to be overcome in this achievement, from the nature of the elements to be combined, were stupendously great. In looking back to those difficulties, that they were overcome at all, appears to me now little less than a prodigy; and it still fills me with astonishment. For here a combination was required that would produce a structure perfectly anomalous in the history of human governments; and such a structure was produced, and as perfect as it was novel. Here were a people, spread and spreading over a vast territory, stretching and to stretch almost from the rising to the setting sun—this scattered and countless multitude were to be ruled in freedom as one people, and by the popular will—that will was to be uncontrolled in itself, and controlling every thing. Such an achievement, the most enlightened friends of freedom and human rights, in all countries, and in all ages, had deemed to be morally and physically impossible. Besides, here were thirteen States, and all the other States to be formed out of that vast territory, without being destroyed as States, to be so combined as to form, in the general aspect, but one simple government, with all the unity and energy of one simple government; powerful alike to assert and maintain all their rights as a nation against all other nations, and the rights of every individual, all over this boundless domain, against every aggressor; that is, a government equally fitted and efficient for all the purposes of peace and war. Such an achievement, often before, and under much more favourable circumstances, because upon a much more limited scale, had
been attempted, but never before accomplished; as is but too well attested by the histories and the destinies of all the confederacies that before had ever existed on the earth.

“Those confederacies had all proved signal failures as effective Governments, both in war and peace; and entirely for the want of that form of structure and principle of combination that would reconcile absolute sovereignty in the nation with sovereignty in the States, as parts of one nation—as consistent and harmonious parts of one supreme sovereignty. This principle, unexplored and unknown before, was developed and displayed, most happily so, in the structure of our confederate and national republic.

“The work, now proposed to be published, will unfold to us all the steps of that diversified analysis and discovery which led to this happy and splendid result.

“Those who think (if any think) that the result itself, namely, the Constitution—of itself and by itself—will be enough for the instruction of mankind on this subject are much mistaken. For there is a vast difference between the knowledge which is acquired analytically, and that which is acquired synthetically; the latter is but isolated knowledge; the former is knowledge that is the consequence of other knowledge. Synthesis gives to us a general truth, but acquired in a mode that is barren of other fruit; analysis not only gives to us the same general truth, but puts us on the track of invention and discovery, and is always fertile of other fruit: synthesis carries us to a fountain head, but never beyond; but analysis carries us beyond, and to the fountain of that fountain; it places us upon an eminence that overtops and overlooks the general truth in the wide survey it commands and gives to us; and as to that general truth, it enables us not only to comprehend it more perfectly, but to apply it more successfully. This is at once a branch and the general instrument of that primal philosophy of which Bacon speaks, and whose cultivation he so highly recommends—the philosophy of philosophy; the common mother of all the sciences, and by which alone their boundaries can be extended. He compares it to Berecynthin, whom the poets of old fabled to be the mother of all the Gods:—‘Omnes caelicolas, omnes supera alta tenentes.’ Of such is the nature, and such will be the fruits to mankind, of the work now proposed to be given to the world.

“Further to awaken our sensibility on this subject, I need not remind the Senate how much we owe to a name that is to render the name of this country respectable in every other on this globe; the clarum et venerabile nomen. Nations have lived upon the earth who have become extinct, and
been lost to the memory of mankind; but never when the *clarum et venerabile nomen* had illustrated their annals. The *clarum et venerabile nomen* is the true elixir of national immortality. What has this country—what can she ever have, that would be an equivalent to her in exchange for the name of her *WASHINGTON*—that star of stars in the diadems that sparkle on the brow of nations? Not the diadem that sparkles on the brow of Greece, not the diadem that sparkles on the brow of Rome, has one of equal brilliancy. No: it stands peerless on the earth, and alone in glory. Though it never can be a contest whose name is to do the most honour to our country, and more than all others, to carry her name associated with his, and emblazoned by his, down through all the endless generations of mankind to follow, and all the endless ages of time to come, yet among the names to cluster around his, and to form the constellation (may it multiply to a galaxy) of American worthies, not one will ever shine with a purer, with a brighter, or more inextinguishable luster than that of *MADISON*.

“If, then, this appropriation was merely to express a nation’s gratitude to a nation’s benefactor, it would be the least it would become her to make. But, besides that, we are to consider that it is to purchase for this country, and for mankind, a treasure of instruction, whose value no money can measure, no figures can express.”

This resolution not being finally acted upon before the close of the session, a clause was introduced into the general appropriation bill, and passed on the 3d March, 1837, by which the sum of thirty thousand dollars was appropriated for the purchase of the manuscripts.

In accordance with this law, Mrs. *MADISON*, on the 1st April, 1837, delivered to the Secretary of State, for the United States, the manuscripts described in her conveyance in the following terms: “The Debates of the Convention which framed the Constitution of the United States, prepared by Mr. *MADISON*, together with the Debates taken by him in the Congress of the Confederation in 1782, 1783 and 1787, and selections made by himself, and prepared under his eye from his letters narrating the proceedings of that body during the periods of his service in it, with the Debates in 1776 on the Declaration of Independence by *THOMAS JEFFERSON* prefixed.” These manuscripts in duplicate were placed in the Department of State.

At the first session of the twenty-fifth Congress, on the 12th September, 1837, on motion of Mr. *LINN* of Missouri, a resolution was passed by the Senate, instructing the Joint Library Committee to inquire into the expediency of causing the manuscripts deposited in the Department of State to be published. In compliance with these instructions, Mr. *PRESTON* of South Carolina, reported to the Senate, and Mr. *PATTON* of Virginia to the
House of Representatives, a resolution from the Joint Library Committee, instructing them to ascertain whether the purchase of Mr. MADISON’s work, authorized by the appropriation of the preceding sessions of Congress had been made; and if so, directing them to inquire into and report a plan for the publication of the same. These resolutions were passed on the 27th September, 1837.

At the same session, and on the 14th October following, an act was passed to carry into effect the last provision of the resolution reported at the preceding session, and the President was authorized to reconvey to Mrs. MADISON the right to publish in foreign countries, and for her own benefit, the manuscript Debates of the Convention which formed the Constitution; but she was not to withdraw from the possession of the Government either of the copies of the Debates which had accompanied her conveyance; and on the 5th February, 1838, Mr. PRESTON of South Carolina submitted a motion that the Committee on the Library be authorized to cause the MADISON PAPERS to be printed and published. This resolution after being considered by the Senate as in Committee of the Whole, was, on the 7th February, on the motion of Mr. SEVIER of Arkansas, referred to the Library Committee. On the 4th of July following, Mr. WALL of New Jersey, from that committee, reported it back as a joint resolution, and recommended the necessary appropriation for the printing and publication of the papers. In that shape it passed the Senate, and was sent to the House of Representatives for concurrence.

On the 9th July the House of Representatives, after having had under consideration the resolution of the Senate, amended it by changing it into an act, in which form, it was passed, and being concurred in by the Senate and approved by the President on the same day, became a law in the following terms:

"An act authorizing the printing of the Madison Papers.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee on the Library be authorized to cause the MADISON PAPERS to be printed and published; and that a sum not exceeding five thousand dollars be appropriated for that purpose out of any money in the Treasury not otherwise appropriated."

On the 28th January, 1839, Mr. WALL of New Jersey, reported to the Senate, a contract made in pursuance of the act of Congress, by Messrs. ROBBINS of Rhode Island, and POPE of Kentucky, the Chairmen of the Joint Library Committee for the publication of the work in its present form, to be executed under the superintendence of Mr. GILPIN, the Solicitor of the
Treasury. For this purpose, one of the duplicate manuscript copies, deposited by Mrs. Madison, was withdrawn by the Library Committee from the Department of State, and delivered to the publishers. In the publication thus directed it has been deemed to be a primary and indispensable duty to follow the manuscript with scrupulous care. It was not thought proper to admit any note or comment, even explanatory; and all those that are found, were in the manuscript deposited in the Department of State. No alteration of any sort from the copy furnished and revised by Mrs. Madison, has been permitted, except the correction of a few slight and evident clerical errors, and the insertion of some dates and formal parts of official documents, for which blanks had been left.

The character of Mr. Madison’s work, however, and especially that part of it relating to the Congress of the Confederation, seemed to render a reference to contemporary documents indispensable—at all events, it was necessary to save the reader much perplexity and trouble. The Debates and the Correspondence refer with brevity to a variety of subjects in the order of their occurrence, and also to the remarks, conduct and opinions of many persons in public life. The corresponding portions of the public and secret journals, the published letters of official functionaries during the same period, and works in which are to be found contemporary private letters or remarks on the same topics or by the same persons, afford explanations too important to be overlooked. Yet they are scattered through various volumes, and, even in them, are found or traced with difficulty. The printed journals of the confederation, both public and secret, are not only voluminous but very imperfect. Much of the proceedings of Congress is entirely omitted in both, and they are so incomplete that it is frequently impossible to trace with accuracy the details of legislation even on topics of great public interest. To the secret journals there is no index, and that annexed to the public journals is far from being full. The diplomatic correspondence, which is exceedingly valuable, and constantly illustrates the remarks of Mr. Madison and the debates he has preserved, extends through nineteen volumes; and the letters of many of the eminent men referred to, which treat of the same topics, are only to be found in various works subsequently published from time to time.

It has been thought, therefore, that it would be proper to make a brief reference at the end of the volumes to some of the principal of these passages; but in such a manner as not, in the slightest degree, to interfere or connect them with the text of Mr. Madison himself. They are annexed only in the belief that they will be of service to the reader and may facilitate his researches. They are not as numerous as they might have been made,
perhaps with additional advantage; and the form of a simple reference has
been alone adopted, because it was not intended to introduce any
commentary or remarks. The fulness and accuracy of these references have
been increased in a very great degree by the researches and aid of Mr.
SPARKS of Cambridge, Mr. SMITH, the librarian of the Philadelphia library,
Mr. WALL of New Jersey, Mr. ATHERTON and Mr. HILL of New Hampshire,
Mr. DIX of Albany, Mr. SHUNK of Harrisburg, and Mr. FORCE of
Washington.
Explanatory tables of contents have been prepared and prefixed to each
volume of the work, and a copious index has been added to the whole.
Though not forming a part of the manuscript of Mr. MADISON, they are
thought to be indispensable.
WASHINGTON, 1st January, 1840.

TABLE 112Q
STATUTES AT LARGE
1845-1861
{WORD COUNT: 5,305}

To the HONORABLE JOSEPH STORY,
ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.
MY DEAR SIR:
In expressing to you my sincere acknowledgments for your permission to
inscribe this work to you, I have afforded to me the opportunity to record
my full sense of your high judicial character; of your deep and universal
learning in the law; of the great value of your decisions on the important
questions of constitutional and statute law which have come before the
Supreme court during your long and honorable presence in that tribunal, in
the maintenance of those constitutional principles on which, only, our
government can permanently rest; and of your arduous and successful
labors to elevate and diffuse the science of jurisprudence in our country.
In other relations to you, I ask leave to declare my grateful feelings for your
kind and affectionate friendship, and for the esteem with which you have
always been pleased to regard me.
This work is indebted to you for its existence. It has been prepared
according to a plan suggested by you; and in your approbation of the
manner in which it has been edited by me, there is a perfect assurance that
it will receive the sanction and support of all. This is a proud and complete
title to the claims of the work to public patronage.
I have the honor to be,
My dear Sir,
Very respectfully and faithfully,
Your obedient servant, RICHARD PETERS.
Philadelphia, January, 1845.

ADVERTISEMENT.
The Publishers would call the attention of all those who have occasion to consult the laws of the United States to the following characteristics of this edition, which justify them in unhesitatingly recommending it as worthy of the public approbation, in addition to high testimonials in the accompanying letters as to its merits.
1. It has the sanction of Congress, and is issued under their auspices. It is to be the edition supplied to the officers of government, and an interest in the copyright is reserved to the United States.
2. It will contain all the laws, and yet will be put at a less price than those editions which contain only a portion of those laws. The purchaser will be sure that he can find every law which he may have occasion to refer to.
3. It is enriched with copious notes of the decisions of the courts of the United States on the several statutes, and with references to other statutes.
4. It will be the only edition in which the laws are chaptered as is directed by the joint resolution of Congress of March 3, 1845, except the session acts, which are too expensive to be within the reach of but very few persons.
5. It can be relied upon for accuracy. It is printed with great care, from authorized editions of the laws, and this is subjected to a careful revision by the records at the seat of government. The value given to it, by so great care to secure its entire authenticity, will be at once perceived by all professional persons. The Publishers would refer those whose pursuits have not given them occasion to appreciate the importance of the entire accuracy of the text, to the letters of the Hon. RUFUS CHOATE, and of the Hon. ROBERT C. WINTHROP, which are printed herewith.
6. The superiority of the paper on which it is printed, and of its typographical execution, over all other editions, will be seen and appreciated at once by every one.

LETTERS ADDRESSED TO THE PUBLISHERS.
Letter from the Hon. Robert C. Winthrop, of Massachusetts.
Boston, 26 November, 1845.
Messrs. LITTLE AND BROWN.
Gentlemen:
I take pleasure in putting on paper, agreeably to your request, the favorable opinion I have already expressed, in relation to your new edition of the Laws of the United States.
The mere fact, that your edition has been freshly and carefully compared with the originals in the Department of State, would seem a sufficient commendation of it to all who appreciate the importance of an accurate text to the just understanding of the statutes. This comparison, I learn, has not been instituted in the preparation of previous editions of the laws, (except that of Bioren and Duane,) and has resulted, in the present instance, in the discovery and correction of numerous errors.

But your edition promises to be as comprehensive and complete as it is accurate. It embraces all the laws which have been enacted since the foundation of our government, Private as well as Public, District as well as National, the obsolete and repealed as well as those now in force. It includes, also, all our Treaties with foreign governments and with the Indian tribes. And you have furnished it, still further, with copious references to the Decisions of the Federal Courts, and with an ample and elaborate Index. There would thus seem nothing left to be desired for the completeness of our National Code.

I say nothing of the typographical execution of the volumes, or of the moderate price at which you propose to supply them. These matters will speak for themselves, and will combine with the other considerations which I have suggested in securing for your work the patronage it deserves. It will afford additional satisfaction to purchasers, to know that you intend to publish an annual supplement, containing the laws which may be passed by Congress from year to year, and conforming in all respects to the body of the work.

Wishing you all success in your undertaking,
I am,
Very respectfully,

Your obedient servant,
ROBERT C. WINTHROP.

Letter from the Hon. Rufus Choate, of Massachusetts.

Boston, 1 December, 1845.

Messrs. LITTLE AND BROWN.

Gentlemen:
I have examined, with some attention, the first three volumes of your new edition of the Laws and Treaties of the United States. Judging from so ample a specimen of the whole work, I can have no doubt that it will be at once, and universally, approved by the profession of law, and the country, and answer all the expectations which induced Congress to encourage and adopt it in advance. Completed as it is begun, it will contain the entire series of General and Private Laws and Resolves, obsolete or in force,
chronologically arranged; all Treaties with foreign nations or Indian tribes, in the same arrangement; the Articles of Confederation and the Constitution; references, in proper places, to the decisions of all the Federal Courts applicable to any law, resolve, or treaty; and references, also, in proper places, to other laws, resolves, or treaties, upon the same subjects with those in the text. The whole succession of laws is most conveniently distributed into statutes and chapters, with a running title at the head of each page, expressing the session of Congress, and the date and chapter of each law or resolve which is contained on the page, with a full alphabetical verbal general Index of matters, and a separate Index to each volume.

It adds, I think, greatly to the value of this edition, that you have caused every law, resolve, and treaty, to be carefully collated with the originals in the Department of State. It is thus rendered, in the most absolute sense, a standard and authoritative work; and, published as it is under the sanction of Congress, and in obedience to a general professional and public demand, it cannot fail to supersede all other editions.

I am
Your obedient servant,

RUFUS CHOATE.

PREFACE.

The edition of the Statutes of the United States now presented to the public comprehends all the Public Acts passed since the organization of the government, preceded by the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; in one volume, the Private Acts; and in one volume, the Treaties of the United States with Foreign Nations and with the Indian tribes, which compose the whole diplomatic collection.

Copious notes of the Decisions of the courts of the United States, which construe, comment upon, or apply to the law, treaty, or text, and upon the subjects of the laws, which have come under the consideration of the courts, are placed under the acts.

On the margin, or at the foot of the page containing each law, there is a reference to the acts passed before or after the law on the same matter. The repeal of every law, and its having become obsolete, are also noted. In Notes, the whole legislation on many of the subjects of the laws is fully referred to.

The laws are divided so as to comprehend the acts of every session of Congress as a separate statute, designated as the First, Second, or Third statute; with a running title at the head of each page expressing the session.
of Congress and the date of each chapter or resolve, contained in the page; and each law forms a separate chapter. It will be seen that the acts are inserted in chronological order, but the numbers of the chapters are not consecutive. It was the purpose of the editor to adopt a different arrangement of the chapters, but the Attorney-General of the United States has decided that the “Joint Resolution” imposes the manner of chaptering which has been pursued. The numbers of the chapters of the Private Acts, are those of the omitted chapters in the volumes of the public laws. Every volume contains a separate alphabetical index of the matters in the volume, in which particular reference is given to the subject of every act; and at the end of the last volume of the Public Laws there is an Index of all the matters in the volumes of the Public Laws. The volume of Private Laws contains an index to their contents; and to the volume containing the Treaties a full and particular index is given, in such a form as that an easy reference is obtained to every provision in every treaty. A complete list of all the acts, resolves, and treaties, in every volume, is given, chronologically arranged, with a brief and general description of the subject of every act. Tables of the laws chronologically arranged, relating to the Judiciary, Imposts and Tonnage, the Public Lands, &c., are prefixed to the last volume of the Public Laws. By these tables the whole legislation on the subjects of those laws may be readily referred to. The facilities thus afforded for such reference will give to this work the advantages of separate selections of the laws upon these matters.

This work is stereotyped. Every effort has been made to make this edition a correct transcript of the laws as they are recorded at Washington. By a contract with the government of the United States, the plates from which the work is printed belong to the government, to the extent set forth in the Joint Resolution of March 3, 1845; thus securing to the United States the use of the plates, to the end of time; so that all future editions of the statutes and treaties may be printed in the same manner. The work will thus become, for all purposes, the PERMANENT NATIONAL EDITION OF THE LAWS OF THE UNITED STATES; and all future statutes and treaties may be printed in the same form, and become consecutive volumes of the NATIONAL CODE.

The plan of this work has been submitted to distinguished judicial and professional gentlemen in the United States; their advice sought, and followed in maturing and perfecting the designs of the publication, and their opinions solicited on the usefulness and value of the work, and on the
necessity for its completion. The letters, in reply to communications from the editor, give assurances of its favourable reception by the public. It is earnestly hoped that this work will be found acceptable to all whose official situations and professional duties oblige them to administer and consult the laws of the United States. The Government of the United States having sanctioned by its liberal patronage this publication, it is confidently believed, that a full and complete knowledge of the statutes and treaties of the United States, and of the decisions of the courts of the United States, construing the laws, and the subjects to which they relate—the administration of public justice—and public and private convenience, will be extensively promoted, and permanently secured by this work.

EXTRACTS

LETTERS ADDRESSED TO THE EDITOR.

Letter from Mr. Justice Story, of the Supreme Court of the United States.

WASHINGTON, January 29, 1844.

Dear Sir: I wrote you a considerable time ago my views as to the plan upon which an edition of the Laws of the United States, to be worthy of the nation, should be executed. I have since read your printed programme; and I perceive that you have adopted in it all the suggestions which I ventured to make. If an edition such as you propose should be published, it would, in my judgment, supersede all others, and be of great permanent benefit, not only to the profession, but to Congress and to the whole country. Indeed, I cannot but consider it as of such vital importance as to be, in a just sense, of urgent necessity. The editions now in use and circulation are, either from defect of plan or execution, or the constant accumulation of new laws, inadequate to the public wants.

I earnestly hope that Congress may by its patronage enable the enterprising booksellers, with the aid of your known abilities, to accomplish this most desirable undertaking, and thus present our statutes at large in a form which shall be worthy of our national character.

Extracts from letters from Mr. Chief Justice Taney, dated January 21 and 24, 1844.

The publication of the Laws of the United States upon the plan proposed is certainly very desirable, and will of great public value. Can you afford to undertake it without the patronage of the General Government? Upon that subject you can judge better than I can. The publication you propose seems to me to be peculiarly entitled to the support of Congress. At all events, however, I hope you will find encouragement enough to induce you to go on with your plan.
As you will have seen from my former letter, I had hardly any thing to offer, more than to express my conviction of the value and importance of the work, and my confidence in any plan proposed by Judge Story, whose long experience in matters of that kind has given him the best opportunities of forming a correct judgment.

Letter from the Hon. Judge McKinley, Supreme Court.
WASHINGTON, JANUARY 17, 1844.

Dear Sir: The edition of the Statute Laws of the United States which you propose to publish will, in my opinion, be very useful to the profession and to the country generally; and the plan you have adopted will enable the reader to ascertain, with very little labour, what the statute law is, although there may be several statutes on the same subject passed at different and distant periods of time. Such a work is greatly needed at present, and I hope, sir, your success will be such as the enterprise deserves.

Letter from Chancellor Kent.
NEW YORK, November 30, 1843.

My Dear Sir: I am very much pleased with your plan of a new edition of the Statutes of the United States at large. It is excellent and most comprehensive, and will require time and labor; and if your health, leisure, and perseverance will enable you to complete it, you will confer a signal benefit on the nation, and a lasting honour to its legislative character. Such a work is exceedingly wanted, and deserves the most liberal public patronage. The aid of Judge Story, which you say is generously assured, will facilitate your labours, and add to the editorial and national character of the work the highest sanction.

WASHINGTON, November 22, 1843.

My Dear Sir: My absence will plead my apology for this delay in expressing to you my cordial approbation of your plan for the publication of the Laws of the United States. I have no suggestions to add to those furnished by Mr. Justice Story.

Of the importance of the proposed work, all who have occasion to consult the public laws must be aware; of its necessity, those who are charged with the performance of public duties are daily made conscious; and I regard it as matter of just congratulations, that it is to be undertaken by one upon whose professional intelligence and enlarged experience the public may so confidently rely.

Letter from the Hon. Martin Van Buren.
LINDENWALD, December 16, 1843.
Dear Sir: I have, at your request, examined the plan of your proposed edition of the Laws of the United States, and think it a very excellent one. Sincerely wishing you success in your undertaking, I am, &c.

*Letter from the Hon. J. Ware, District Judge of Maine.

PORTLAND, December 12, 1843.

Dear Sir: I was glad to learn for you that you propose to publish a new edition of the Statutes of the United States at large. It has now become difficult to obtain a complete copy of all the laws passed from the commencement of the Government; and although Story’s edition of the laws, now in common use, is the most convenient for ordinary purposes, yet it is sometimes necessary to recur to obsolete laws, not included in that edition. It is very important that the whole series of laws, from the commencement of the government, shall be preserved in a permanent form. You propose to give a complete edition, with references to the jurisprudence of the courts, which will add much to its value. It is an enterprise well worthy of the patronage of the public, and especially of the government.

*Letter from the Hon. Judge McLean, Supreme Court United States.

WASHINGTON, January 20, 1844.

Dear Sir: I have read your proposals to publish ‘the Statutes of the United States at Large’ with must interest. The arrangement I think, is excellent, and the annexation of notes at the foot of each page, showing the construction of the statutes by the federal courts, will add much to the value of the work. This enterprise will be attended with great expense; but the great ability of the work, and an increasing demand for it, will, I trust, in a short time reimburse your expenditures. The work, as you well remark, will be national, and I hope it will receive, as it well deserves, the patronage of the legal profession and of the constituted authorities of the country.


MOBILE, January 4, 1844.

Dear Sir: I have examined your plan for the publication of ‘the Statutes of the United States at Large,’ and am satisfied that the plan is judicious, and that the work is much needed. The chronological order in which the laws will be arranged, and your foot and marginal notes, will enable any person desirous to know what the law is at the present day readily to obtain that information. The work, in my opinion, merits the patronage of the public; and, as it will be a highly useful work, I cannot doubt that it will be liberally afforded.

*Letter from the Hon. Judge Sprague, District Judge of Massachusetts.*
BOSTON, December 4, 1843.
My Dear Sir: I have examined your plan for an edition of the Statutes of the United States at large, and it merits my cordial approbation. Such a work is very much needed, and must be of great utility to all who may have occasion to investigate the laws of the United States.

Letter from the Hon. Henry Clay.
ASHLAND, December 4, 1843.
My Dear Sir: I have received your favour, transmitting to me a programme of a complete edition of the laws of the United States, which you propose to collect and publish, and to stereotype. I believe the wants of the community, of the courts, and of the bar, require such a work; and the plan of executing it which you propose can have no higher recommendation than that which Judge Story has given it. I would add my individual wish that your index may be as full and perfect as that which is contained in the judge’s edition of the Statutes.

Letter from the Hon. John Kennedy, of the Supreme Court of Pennsylvania.
PHILADELPHIA, December 14, 1843.
Dear Sir: Having looked over your prospectus of a publication of the Statutes of the United States at large, I feel myself bound to say that the plan, as it strikes me, is admirably well adapted to meet every reasonable wish that either individuals or the public could have on the subject. I cannot but expressed my full and entire approbation of it; and permit me also to add, that I have the most full and entire confidence that the execution of the work in your hands will be at least equal to all that is promised. It is certainly a work of considerable magnitude, and will be attended with a vast expense as well as labour on your part; and as the advantage to be derived from it will be immensely important and valuable, I therefore hope that you will not only be indemnified, but liberally rewarded by the patronage of a generous public.

Letter from the Hon. Thomas Sergeant, of the Supreme Court of Pennsylvania.
PHILADELPHIA, December 7, 1843.
Dear Sir: The plan of publishing the Statutes of the United States, contained in the proposals enclosed in your letter, I should think the best that can be suggested for such a work, considering it in reference either to present use or permanent preservation; and I do not doubt but that your well known professional talents and long experience in judicial publications will ensure to it that accuracy in editing and excellence in printing which a work of this character requires.
Letter from the Hon. Molton C. Rogers, of the Supreme Court of Pennsylvania.
Dear Sir: I am pleased to learn that you propose to publish an edition of the Laws of the United States, on a plan which cannot fail to be useful. I have read your prospectus with attention, and if carried out as you design, and of that I can entertain no doubt, it will meet the patronage of the profession and of Congress, who will lend their efficient aid and countenance to a work which will most materially contribute to a knowledge of the laws of the Union, so indispensable to the citizens of the United States.

Sir: I received your favour of the 30th ultimo, enclosing a prospectus of an edition of the Laws of the United States. I sincerely hope the project may be carried into execution, and that so important a work may secure you an adequate remuneration.

I think a reprint of the statutes in full decidedly to be preferred to any other mode of publication. Abridgements, or mere indexes, are convenient for hasty consultation, but the entire act must be examined before its spirit or parts can be justly appreciated.

The arrangement of the acts, with a view to present in connection those relating to the same subjects, has advantages; yet, in investigating a point, the apprehension that something has been omitted will necessarily lead to searches through the entire series of legislation, notwithstanding such juxtaposition of particular statutes, by a compiler or editor of the highest learning and reputation.

I am persuaded it is the safest and more satisfactory course to publish the laws in the order of their passage. That is not unfrequently an essential element to their proper interpretation. Until they are codified or remodelled by the legislature, I believe they can be furnished in no form as useful as in the order of their enactment.

Letter from the Hon. Matthew Harvey, District Judge of the United States for New Hampshire.
Hopkinton, December 16, 1843.
Dear Sir: I have examined a prospectus of an edition of the Laws of the United States, which you propose to publish, and I think it must meet the entire approbation of every one who feels the least interest in a work of this kind. The labour which would be saved by it to all executive and judicial officers, as well as to gentlemen of the legal profession, and members of Congress, is beyond calculation.
There are few persons, I imagine, whose duty has required them to make frequent references to the Laws of the United States, who have not been embarrassed and confused, if not sometimes perplexed, from causes which would be entirely removed by this work.

No one, who will compare for a moment the vast superiority of this over any arrangement or edition of the laws we have ever had, can doubt its necessity, its value, and great public importance.

In my estimation, the work has a claim upon all patronage, both public and private. It should become a national work.

Letter from the Hon. Samson Mason, of Ohio.

SPRINGFIELD, December 12, 1843.

My Dear Sir: I have examined the plan on which you propose to publish the Statutes of the United States at large; and if executed, as I doubt not it will be, in conformity with the principles you have laid down, the work could not fail to be eminently useful, and greatly superior, in my judgment, to any of the kind heretofore attempted. It would well deserve, as I hope it would receive, the patronage of both government and people. The want of such a work is, I am sure, extremely felt.

Letter from David B. Ogden, Esq., New York.

NEW YORK, December 1, 1843.

My Dear Sir: I have received your letter of the 27th of November, enclosing your prospectus for the publication of an edition of the Statutes of the United States. I have no hesitation in saying, that in my opinion the publication of the statutes upon the plan proposed by you will be one of great use to gentlemen of the law, upon investigations into the laws of the United States, which must be much facilitated by it.

Letter from the Hon. J. Conkling, District Judge of the United States for the Western District of New York.

MELROSE, NEAR AUBURN, December 6, 1843.

Sir: Your letter, enclosing your prospectus of an edition of the Laws of the United States, was received two days ago. The plan of the proposed work, as stated in the prospectus, appears to me excellent; and I have no doubt that the work, if well executed and correctly printed, will be highly useful.


NEWCASTLE, December 5, 1843.

Dear Sir: I have read with great pleasure your proposal to publish an edition of the Statutes at Large of the United States. This is, indeed, a desideratum. Every public man now feels the want of such a work. The plan is excellent, and the undertaking richly merits national patronage.

Letter from the Hon. J. L. Pettigru, of South Carolina.
Millegeville, December 9, 1843.
Dear Sir: Your favour of 27th of November has been forwarded to me at this place.
It gives me pleasure to see that you propose to publish a new edition of the Statutes of the United States. Such a work is called for by the accumulation of new enactments since the last edition was put out, under the auspices of Judge Story; and the improvements which you propose upon the plan of former editions will give to a new edition great additional value.
Your plan appears to me most judiciously arranged; and such a work as you propose, executed with the advantages of your experience, will speedily supersede any existing compilations of the acts of Congress. It is to be hoped that a work of such obvious utility will not languish for the want of public patronage.

Philadephia, December 8, 1843.
My Dear Sir: I have examined carefully the prospectus of the work you propose to publish, and am happy to find there is some one of sufficient capacity to undertake so useful and herculean a task.
A complete edition of the Articles of Confederation, the Constitution of the United States, and the Statutes of the United States, since the organization of the government, in the style, mode, and with the notes and appendix you contemplate, will undoubtedly be a most valuable acquisition, not only to Congress, the public officers, the judiciary, and the bar, but to the whole community.

Letter from Thomas Ewing, Esq., of Ohio.
Washington, January 27, 1844.
Dear Sir: I have examined your prospectus for the publication of the Laws of the United States, with notes and references, and approve of your plan entirely.
Such a publication is much needed by the legal profession, and I am satisfied that you will execute it with care and fidelity.

Letter from the Hon. Joseph L. Tillinghast, of Rhode Island.
My Dear Sir: I had the pleasure, this morning, to receive your letter, with a prospectus of your intended publication of an edition of the Laws of the United States.
Such a work must prove highly acceptable, not only to the National and State Legislatures, the tribunals of justice, and the profession, but to the great numbers of the community who have occasion at times to look at the laws of the Union, and who are now obliged to expend much time and toil in looking for them.
There are by no means a sufficient number of copies in the Library of Congress for the accommodation of the members. The subject of a new edition was before the Joint Library Committee of Congress at several times and on several suggestions, while I had the honour of being a member of the committee. All concurred in the necessity of the work; but differences of opinion existed as to the plan, and as to the auspices or direction under which it should be accomplished. I have looked carefully at the plan detailed in your prospectus; and as to all that relates to the matter to be comprised, and the arrangement and designation of that matter, I do not believe a better could be adopted.

Letter from the Hon. James H. Bronson, Judge of the Supreme Court of Florida.

NEWNANsville, EAST FLORIDA, December 20, 1843.
My Dear Sir: I have examined your notice or plan of this new work with much satisfaction. Such a work is much needed, and I think cannot fail to meet with the ready approbation of the bench and the bar throughout the country, as well as all public men or officers in any way connected with the execution or administration of the laws of the United States. The plan of the work seems to be calculated to render it very perfect.

Letter from the Hon. Andrew T. Judson, District Judge of Connecticut.

I have received and examined with care your prospectus of a work entitled ‘the Statutes of the United States at large,’ and permit me to say, that a work of that description is very much needed. If executed in the manner you propose, a great favour will be conferred on the public, and I have no doubt it will be universally acknowledged. Its convenience and benefit will be incalculable to the profession.
I hope you will not only be encouraged to progress with the work, but find from all quarters an ample reward.

Table 112R

<table>
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<th>Works of John Adams</th>
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<tr>
<td>1850-1856</td>
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<td>{Word Count: 1,744}</td>
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PREFACE.
The preliminary genealogy, and the first two chapters of this volume, are taken from the fragment of a biography left by the late John Quincy Adams. That portion of it extending nearly to the end of the first chapter, appears to
have been written by him during the summer of 1829, just after the close of his official term as President of the United States, and before he was recalled into public life. Of the remainder, which was added in brief snatches of leisure during the summer recesses of Congress, the greater part was composed in 1832; but the last pages bear the date of 1839, from which time the project seems to have been abandoned. No part of it was ever revised for publication. As a consequence some blanks were left in the manuscript, principally for dates or extracts from books and papers, which have been filled, and a few trivial errors occurred, which have been corrected by the Editor, for the most part without notice. The fragment, in all other respects adhering closely to the original copy, extends to page 89 of this volume. It furnishes a succinct account of the circumstances attending the youth and education of John Adams, and carries the narrative down to the time of the so-called Boston Massacre, in March, 1770, when he had reached his thirty-fifth year. In other words, it covers the period of his life as a private citizen, and stops exactly at the moment when the career which made him an object of public attention begins. This fact will readily suggest the reason why the work was terminated just at this point. It could not be further prosecuted without the application of a much greater share of time, and more extended investigations than the writer was in a condition to bestow, consistently with a faithful performance of the duties of a representative of Massachusetts in Congress, to which he had been summoned to devote his latest years. That most brilliant portion of his life it is impossible for any descendant of his to regret, even though it was pursued at the sacrifice of this noble undertaking, and the devolution of it to far less competent hands.

For in justice to the continuator it ought to be kept in mind, that even before this fragment was definitively laid aside, he had reason to know that he was looked to as the successor to the duty; and in that view, that all the manuscripts, books, and papers relating to it were to be committed to his care. From this it may be understood, that the enterprise was not altogether of his seeking. Whatever might have been his doubts of his own abilities to execute it, little room was left him to indulge them. Neither was it in his disposition to shrink from it, simply because of its difficulty. Of the peculiar obstacles in the way of a faithful and at the same time an acceptable performance of it, he was from the outset thoroughly sensible. Under other circumstances he might have regarded his attempting it as presumptuous. But in his case there was no alternative. To say that he has acquitted himself of his obligation to his own satisfaction is more than he can pretend. All that he will venture to claim for himself is an earnest desire to
be right, and an endeavor by no trifling amount of industry to become so. That he may in many instances have fallen short of his aim will not surprise him. Infallibility in such a department of investigation is altogether out of the question. The writer has detected too many mistakes in his own work, and observed too many in the productions of others, to seek to cherish a spirit of dogmatism. Hence if it should turn out that he has fallen into any essential error, or been guilty of material injustice, he trusts that he may be acquitted of evil intention in the beginning, or inclination to persevere in it against evidence. Should any such be shown to him, he stands ready to acknowledge it with candor and to correct it with cheerfulness.

Much as the failure to complete the original narrative is to be regretted on other accounts, there is at least one particular in which the interposed delay has not been without a compensating advantage to the subject of this biography. During the interval that has elapsed, much new material has found its way to the light, and many old documents have been rendered accessible, which have greatly facilitated the elucidation of important facts in the narrative. The effect has been to rectify many impressions of the events of the last century and of their causes, which prevailed early and have been carefully handed down to us. This is particularly true in regard to the motives of action, which governed the policy of the great nations of Europe during the Revolution, as well as to those which controlled the course of Mr. Adams’s own administration afterwards. On these points, embracing as they do a great part of the disputed questions of his times, it is not to be presumed that all readers will at once concur in the views presented in this work, or be entirely satisfied with the judgments that are pronounced on some of the actors. It is enough to say in their behalf, that they have not been prepared without a careful examination of the evidence upon which they rest, an earnest desire to avoid every unnecessary word of offence, and a conviction of the necessity of submitting them, in justice to the individual whose history is given. Yet it is not to be doubted that much material yet remains undiscovered which will still further contribute to a correct understanding of the action of these times. If the production of it will in any way subserve the great end of establishing historical truth, it is to be hoped that no pains may be spared to bring it to the light of day.

So much has been said of late upon the duties of editors in publishing the papers committed to their care, that a few words may be necessary to explain the principles upon which this work has been conducted. In all cases the best copy obtainable has been closely adhered to, saving only the correction of obvious errors of haste, or inadvertence, or negligence. Yet as a considerable number of the letters have been taken, not from the
originals, of which it is not known even that they are yet extant, but from the copy-book containing the rough drafts, it is by no means improbable that in case of a possibility of collation with the real letters, many discrepancies not to say interpolations and even erasures will be discovered. Should such instances be brought to light, it is proper that this explanation should stand on record, to guard against charges of alteration which already have been preferred against other editors, on grounds not altogether dissimilar. Against such variations it would have been impossible to provide without materially curtailing the valuable materials for the work. For all others, the Editor has acted on his own responsibility, and for reasons which appear to him satisfactory.

No person will be apt to imagine that in an undertaking so extensive as this, it is possible for the closest observer to escape without making many mistakes. Some of these belong to the typographical department, and can be easily corrected. Others and more material ones to the editor or the author. A few have occurred by trusting to statements made at second hand. More by taking for granted what appeared on good authority to be facts. And still others by the extreme difficulty of getting at the exact truth, especially in minute matters. It has not been deemed necessary in all cases to give notice of the corrections. It is sufficient to say that whenever any discrepancy is to be observed between the impressions of the work, it may be inferred that those which have been the last printed contain the corrected reading.

In dismissing these volumes, it is no more than an act of justice in the writer to recognize the obligations he is under to individuals and associations, for the readiness shown to aid him in the prosecution of his investigations. In but a single instance that he can recollect, has an application been neglected, or received in any other than the most cordial manner; and in that he has no desire to impute an unfriendly intention. To specify the slighter services rendered in this vicinity and at a distance would be tedious. The writer will therefore confine himself to a notice of the kindness of the Hon. Edward Everett, when Secretary of State of the United States, in allowing him to examine and to verify copies of important papers in the archives of that department; of the liberal manner in which the Hon. Jared Sparks placed at his disposal a volume of copies of French despatches, procured by him at Paris under the sanction of that government, which proved of the first importance in treating one portion of the narrative; and lastly of the great assistance rendered to him by his most esteemed friend, Dr. J. G. Palfrey, who cheerfully consented to read the greater part of the work in the proof-sheets, and to favor him with such
critical and other remarks as occurred to him in the process. To all persons acquainted with the scholarlike habits of mind and the refined taste of that gentleman, it is needless to add that these pages have greatly benefited by this treatment. Whatever suggestions fell from him were, with rare exceptions, implicitly adopted, and it is only a matter of regret for the sake of the work that they were not more numerous, and, especially in that portion peculiarly belonging to the writer, not prompted by a less partial judge.

It is proper to add in conclusion, that these volumes by no means exhaust the valuable materials in the possession of the Editor, for the illustration of the era of the Revolution. Neither do they in the least encroach upon the yet larger stores in reserve for the other work, intended for publication at a future period, and destined, in giving the life of John Quincy Adams, to elucidate the history of the generation immediately succeeding.

QUINCY, 26 July, 1856.

TABLE 1128
WORKS OF DANIEL WEBSTER
1851
{WORD COUNT: 1,073}

DEDICATION OF THE FIRST VOLUME. TO MY NIECES, MRS. ALICE BRIDGE WHIPPLE, AND MRS. MARY ANN SANBORN:
Many of the Speeches contained in this volume were delivered and printed in the lifetime of your father, whose fraternal affection led him to speak of them with approbation.

His death, which happened when he had only just past the middle period of life left you without a father, and me without a brother.

I dedicate this volume to you, not only for the love I have for yourselves, but also as a tribute of affection to his memory, and from a desire that the name of my brother, EZEKIEL WEBSTER, may be associated with mine, so long as any thing written or spoken by me shall be regarded or read. DANIEL WEBSTER.

BIOGRAPHICAL MEMOIR OF DANIEL WEBSTER.
CHAPTER 1.
Former Editions of the Works of Mr. Webster, and Plan of this Edition. ... The first collection of Mr. Webster’s speeches in the Congress of the United States and on various public occasions was published in Boston, in one volume octavo, in 1830. This volume was more than once reprinted, and in 1835 a second volume was published, containing the speeches made up to
that time, and not included in the first collection. Several impressions of
these two volumes were called for by the public. In 1843 a third volume was
prepared, containing a selection from the speeches of Mr. Webster from the
year 1835 till his entrance into the cabinet of General Harrison. In the year
1848 appeared a fourth volume of diplomatic papers, containing a portion
of Mr. Webster’s official correspondence as Secretary of State.
The great favor with which these volumes have been received throughout
the country, and the importance of the subjects discussed in the Senate of
the United States after Mr. Webster’s return to that body in 1845, have led
his friends to think that a valuable service would be rendered to the
community by bringing together his speeches of a later date than those
contained in the third volume of the former collection, and on political
subjects arising since that time. Few periods of our history will be entitled
to be remembered by events of greater moment, such as the admission of
Texas to the Union, the settlement of the Oregon controversy, the Mexican
war, the acquisition of California and other Mexican provinces, and the
exciting questions which have grown out of the sudden extension of the
territory of the United States. Rarely have public discussions been carried
on with greater earnestness, with more important consequences visibly at
stake, or with greater ability. The speeches made by Mr. Webster in the
Senate, and on public occasions of various kinds, during the progress of
these controversies, are more than sufficient to fill two new volumes. The
opportunity of their collection has been taken by the enterprising
publishers, in compliance with opinions often expressed by the most
respectable individuals, and with a manifest public demand, to bring out a
new edition of Mr. Webster’s speeches in uniform style. Such is the object
of the present publication. The first two volumes contain the speeches
delivered by him on a great variety of public occasions, commencing with
his discourse at Plymouth in December, 1820. Three succeeding volumes
embrace the greater part of the speeches delivered in the Massachusetts
Convention and in the two houses of Congress, beginning with the speech
on the Bank of the United States in 1816. The sixth and last volume
contains the legal arguments and addresses to the jury, the diplomatic
papers, and letters addressed to various persons on important political
questions.
The collection does not embrace the entire series of Mr. Webster’s writings.
Such a series would have required a larger number of volumes than was
deemed advisable with reference to the general circulation of the work. A
few juvenile performances have accordingly been omitted, as not of
sufficient importance or maturity to be included in the collection. Of the
earlier speeches in Congress, some were either not reported at all, or in a manner too imperfect to be preserved without doing injustice to the author. No attempt has been made to collect from the contemporaneous newspapers or Congressional registers the short conversational speeches and remarks made by Mr. Webster, as by other prominent members of Congress, in the progress of debate, and sometimes exercising greater influence on the result than the set speeches. Of the addresses to public meetings it has been found impossible to embrace more than a selection, without swelling the work to an unreasonable size. It is believed, however, that the contents of these volumes furnish a fair specimen of Mr. Webster’s opinions and sentiments on all the subjects treated, and of his manner of discussing them. The responsibility of deciding what should be omitted and what included has been left by Mr. Webster to the friends having the charge of the publication, and his own opinion on details of this kind has rarely been taken.

In addition to such introductory notices as were deemed expedient relative to the occasions and subjects of the various speeches, it has been thought advisable that the collection should be accompanied with a Biographical Memoir, presenting a condensed view of Mr. Webster’s public career, with a few observations by way of commentary on the principal speeches. Many things which might otherwise fitly be said in such an essay must, it is true, be excluded by that delicacy which qualifies the eulogy to be awarded even to the most eminent living worth. Much may be safely omitted, as too well known to need repetition in this community, though otherwise pertaining to a full survey of Mr. Webster’s career. In preparing the following notice, free use has been made by the writer of the biographical sketches already before the public. Justice, however, requires that a specific acknowledgment should be made to an article in the American Quarterly Review for June, 1831, written, with equal accuracy and elegance, by Mr. George Ticknor, and containing a discriminating estimate of the speeches embraced in the first collection; and also to the highly spirited and vigorous work entitled “Reminiscences of Congress,” by Mr. Charles W. March. To this work the present sketch is largely indebted for the account of the parentage and early life of Mr. Webster; as well as for a very graphic description of the debate on Foot’s resolution.

**Table 112**

**Works of John Calhoun**

1853

{**Word Count: 429**}
ADVERTISEMENT.
It may be proper to state, that the manuscripts from which the following work is published, were never revised or corrected by their illustrious author. When, during his last illness, they were placed by him in the hands of the editor, he indulged the hope of regaining sufficient strength to perform this labor; but it is scarcely necessary to say that the expectation was never realized. The Disquisition on Government had, indeed, been copied before his death; but it is almost certain he never found time to examine the copy. The Discourse on the Constitution, &c.—with the exception of a few pages,—was in his own handwriting,—on loose sheets,—bearing evident marks of interrupted and hurried composition. Indeed, there is reason to believe that the principal portion of it, if not the entire Work, was composed between the adjournment of Congress in the Spring of 1848, and its meeting in December, 1849.

In preparing the manuscripts for the press, the editor has sedulously endeavored to preserve, not only the peculiar modes of expression, but the very words of the author;—without regard to ornaments of style or rules of criticism. They who knew him well, need no to be told that, to these, he paid but slight respect. Absorbed by his subject, and earnest in his efforts to present the truth to others, as it appeared to himself, he regarded neither the arts nor the ornaments of meretricious elocution. He wrote as he spoke, sometimes negligently, yet always plainly and forcibly, and it is due to his own character, as well as to the public expectation, that his views should be presented in the plain and simple garb in which he left them. The granite statue, rough-hewn though it be, is far more imposing in its simple and stern, though rude proportions, than the plaster-cast, however elaborately wrought and gilded. Some few sentences have been transposed,—some repetitions omitted,—and some verbal inaccuracies, necessarily incident to hurried composition, corrected. With these exceptions, and they are comparatively few,—the Work is as it came from the hands of the author; and is given to the public with no other comment than that made by himself in a letter dated the 4th of November, 1849—“I wish my errors to be pointed out. I have set down only what I believed to be true; without yielding an inch to the popular opinions and prejudices of the day. I have not dilated,—but left truth, plainly announced, to battle its own way.”

FEBRUARY 23d, 1851.

**Table 112U**

**Works of William Henry Seward**
PREFACE.
In this collection of Mr. Seward’s Works, it is intended to present the public, not only with his more elaborate speeches and writings, but also with his occasional and unstudied efforts. The principles and measures of public policy, which he has maintained, receive as clear an illustration from the latter class of his productions, as from his more systematic and finished performances. They are, accordingly, important, at a time when the political views of Mr. Seward have become the subject of discussion, in every quarter of the Union.
It has often been regretted that so few of the speeches of the eminent men of a former age have been preserved. The history of our own country, especially, has suffered from this neglect. We search in vain for the speeches even of James Otis, which, in the words of one of his contemporaries, “breathed the breath of life into this nation.” The facilities of the present day leave no excuse for a similar neglect in regard to our own orators and statesmen.
The Editor of these volumes, though by no means unconscious of his slight qualifications for so important a task, has attempted to collect and prepare for publication the following works of WILLIAM H. SEWARD. A desire to aid in disseminating the doctrines and principles they contain, as well as to preserve them in a permanent form, must plead his apology. For a number of years, it has been his wish, to bring these works before the public. He has only waited for the time, when they could be produced without exciting a suspicion of personal or partisan objects. That time, in his opinion, has now arrived.
It is, however, perhaps too much to expect, even now, a candid hearing from all parties. “Nothing,” says Mr. Seward, in one of his letters, “that I can do or say, or that can be said or done by my friends, is suffered to pass without exciting alarms lest it may have an ambitious design that I almost despise.”
To the friends of republican principles and of the claims of justice and freedom everywhere, the Editor believes these volumes will be welcome, and to such they are respectfully dedicated. To the friends of Mr. Seward, also, they will be acceptable, as a complete refutation of the various misrepresentations of his acts and opinions, current in the community, supplying a want long felt and frequently expressed. To many of these friends, the Editor is already indebted for assistance and encouragement in
his undertaking, for which, he avails himself of this place to express his acknowledgements.
The difficulty of preparing a select edition of Mr. Seward’s works was felt at the outset, and after a full view of the matter, it was determined to embrace every thing of which there had been any public record. Ample limits, as it was thought at the time, were accordingly assigned for the work. But the extraordinary amount of interesting and valuable matter that presented itself for publication required a modification of the original plan. It is therefore proper to say, that this collection does not include all of Mr. Seward’s productions. Those, however, which have been omitted, were comparatively of local and temporary importance, and, in many cases, were too imperfectly reported for publication. At the same time, nothing has been left out of the edition on account of any peculiar sentiment or opinion it expressed; but, on the contrary, every thing which has been particularly obnoxious to controversy has been carefully included.
The MEMOIR which follows, though written with heartfelt admiration of the subject, has constantly aimed to avoid indiscriminate eulogy, and to present a simple but complete record of Mr. Seward’s life.
The SPEECHES IN THE SENATE OF NEW YORK contained in this volume, while they will serve to show the first exercise of that power of debate, which now in its full development excites an interest throughout the country, will give the reader a fresh view of many important political questions of State and National policy.
The SPEECHES AND DEBATES IN THE SENATE OF THE UNITED STATES form a complete record of Mr. Seward’s efforts in that body down to the close of the XXXIId Congress. Several speeches delivered after the first volume of these works had gone to press, will be found in the third volume.
The FORENSIC ARGUMENTS in this volume include Mr. Seward’s pleas in the case of J. Fenimore Cooper vs. Greeley & McElrath; in defence of William Freeman; in the case of Jones vs. Van Zandt, under the Fugitive Slave Law of 1798; in the case of Many vs. Treadwell, a Patent case; and in defence of Abel F. Fitch and others, in the celebrated Railroad Trial at Detroit. Several others, possessing almost equal interest, had been selected for a place in the works, but the limits already prescribed made it necessary to omit them. Among these may be named an argument in the case of Wilson vs. Rousseau,* involving the merits of the Woodworth Patent, and an Opinion delivered by Mr. Seward while a member of the Court of Errors, in the case of Parks vs. Jackson.†
Three ENGRAVINGS accompany these volumes—a Portrait of Mr. Seward—his Birth-Place—and his Residence at Auburn.
The portrait is a faithful copy of a daguerreotype taken for the purpose. The view of Mr. Seward’s early home, in the second volume, was engraved from a sketch, recently made, of the old house which is still standing in the village of Florida, in Orange County. The view of his present residence at Auburn, in the third volume, is from a daguerreotype taken in mid-winter. A brief description of the mansion and grounds will be found in the Preface to that volume.

THE EDITOR.

WILLIAMSBURGH, L. I., MARCH 1, 1853.

* Blatchford’s Circuit Court Reports, Vol. I. page 8.
† Wendell’s Reports, Vol. IX. page 456.

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<td><strong>WRITINGS OF THOMAS JEFFERSON</strong></td>
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PREFACE.

MR. JEFFERSON having, by his last will and testament, bequeathed to his grandson, Thomas Jefferson Randolph, all his manuscript papers, Congress, by an act of the 12th of April, 1848, made an appropriation for the purpose of purchasing them for the Government; and, by the same act, an additional appropriation was made to print and publish them under the direction and supervision of the Joint Committee on the Library. It is under the authority of this act that the present publication is made. The immense mass of manuscript left by Mr. Jefferson having been deposited with the Editor, he has carefully gone through the whole, and selected from it, for the present publication, everything which possesses permanent public interest either on account of its intrinsic value or as matter of history, or as illustrating the character of the distinguished Author, or as embodying his views upon the almost infinite variety of topics, philosophical, moral, religious, scientific, historical, and political, so ably discussed by him—thus making this work a complete depository of the writings of Thomas Jefferson. Under the view which the Editor has taken of his editorial duties, and the instructions of the Library Committee, he has not felt himself at liberty to encumber the publication with matter of his own farther than is necessary to illustrate the text. Such notes as have been appended will, therefore, be found to be purely explanatory and historical in their character. Under the impression that the value of such publications as the
present depends much upon facility of reference, a particular Index has been appended to each volume as well as a general Index to the whole.

INTRODUCTORY TO BOOK I.

In the arrangement which has been adopted, Book I. comprises the Autobiography and Appendix. The Autobiography extends to the 21st of March, 1790, when Mr. Jefferson arrived in New York to enter upon the duties of the Department of State, and and embraces a variety of important subjects, such as the rise and progress of the difficulties between Great Britain and her North American Colonies—the circumstances connected with the Declaration of Independence—the debates in Congress upon the adoption thereof, as reduced to writing by Mr. Jefferson at the time—the history of the Articles of Confederation—early stages of the French Revolution—revision of the Penal Code of Virginia—abolition of her laws of Primogeniture—overthrow of her Church Establishment—Act of Religious Freedom, &c.—all matter interesting in itself, but rendered particularly so by the fact that it comes from one who was himself a chief actor in the scenes which he describes.

TABLE 112W

WORKS OF HENRY CLAY

1856

{WORD COUNT: 3,306}

DEDICATION.

TO THE AMERICAN PEOPLE,

To whose service, welfare, and happiness, the subject of this work, HENRY CLAY, has consecrated a long life of toil and self-sacrifice, of which they are competent witnesses, and will be honest judges, this production, conscientiously composed, though not claiming to be free from the imperfections which characterize all human efforts, is most respectfully dedicated by the Author, C. COLTON.

INTRODUCTION.

The first thing to be encountered as a subject of criticism, in the publication of this work, is the writing of a man’s biography before he has passed from the stage. This is easily disposed of by the fact, that Mr. Clay’s life has already been written more times than any man living can tell. It is also answered by the consideration, that having spent his life in the public service, Mr. Clay’s history is public property. His character, his principles, his policy, his measures, and all his acts, as an American statesman, are identified with the history of the country, and with the public and private
interests of the people. Occupying this position, it is obvious, that they can not be too soon, or too well, or too generally known. To say that they are known, is not strictly true, for all the practical purposes required. His history, as a public man, is scattered over a boundless field, which no one person, not expressly devoted to the task, will ever survey. Its entireness is not available for use, except as it is brought together and concentrated. The author has considered there was a demand for this, and this belief was the motive of his undertaking. He has never asked Mr. Clay’s leave, but only announced his purpose. It is due to Mr. Clay, to say, that so far from inviting the task, or affording any encouragement, except that of politeness, he has from the beginning and at all times, discouraged an early publication. When the author wrote to him in the fall of 1844, to say, that he had concluded to enter without delay, on the completion of his work—the project of which had been before announced to him—and that he would soon be at Lexington, to avail himself of the best and most indispensable aids, Mr. Clay wrote to him to defer coming, which communication was on its way east, while the author was going west, and passed him. All the author desired was, that he might be permitted to execute his own plan, and be favored with the necessary facilities, which none but Mr. Clay could afford, by answering the author’s inquiries, by giving access to his papers and correspondence, and by consenting to render such other aids as would insure correctness in matters of fact. This the author deemed of the highest importance. But the plan and execution of the work are the author’s alone. Mr. Clay did not believe that the demand for the work would be sufficient to sustain the expense of it, and as his last advice, the author received from him a letter, dated March 21, 1845, of which the following is an extract: “I am afraid you are too sanguine. So far as it [the work] relates to me, it will daily lose its interest. I should be distressed, if it should involve you in expense. You must acquit me of all charge of encouraging you.” The expression, “so far as relates to me,” refers to the original plan of the work, which contemplated more history, and four volumes, instead of two. But the author never allowed himself to believe, that the diffidence of Mr. Clay upon this subject, was a rule to determine the importance or propriety of his undertaking, however he might feel constrained to defer to such authority on questions of state. On the contrary, the author has felt, that a compilation of Mr. Clay’s public history was alike necessary and desirable for public purposes, and for private instruction. The author has used Mr. Clay’s papers and correspondence entirely at his own discretion, and Mr. Clay has been equally ignorant, as the public, as to what parts of those documents were used, or for what purposes, till the
work was stereotyped and submitted to him in the printed form, with the request, that he would point out any errors he might discover.

A man who has been for forty years constantly before the public eye, whose character and course in the minutest detail, scrutiny, and criticism, occupies a very different position from that of ordinary private individuals. The question is not, whether his character and acts shall be publicly considered; for that can not be prevented; but whether his story shall be faithfully and truly told?

It has been a question with the author, how far it would be suitable and expedient for him to show his respect for Mr. Clay; whether he would write this work, as if he cared no more for its subject, than for any other man; whether he should appear as an historian, or as a biographer, or whether he should combine the two; whether he should betray what he thinks, and how he feels, not only in regard to his subject of biography, but on any or all of the subjects brought under consideration, political questions, measures, and so on; or whether he should simply compose a statement of facts, totally void of a sense of interest? His reasonings on this comprehensive question resulted in the conclusion, first, that the main subject is one that entitles to the exercise of a feeling of some interest, and that, if not morally impossible, it would be affectation, to attempt to conceal it; next, that the defence of Mr. Clay against those who have done him wrong, and the vindication of his character from aspersions, would necessarily excite feeling to a considerable extent, because such defence involves fault in other quarters; thirdly that the great political questions required to be handled, are, in their nature, matters of interest; fourthly, and consequently, that there was no escape from the imputation of unfairness, whatever course the author might pursue; fifthly, that, if it had been possible to be indifferent, indifference would enervate the character of the work, divest it of interest, and destroy its effect; sixthly, that it is possible for a writer to be perfectly fair and true, and yet not be indifferent; and therefore the author has allowed his respect for the subject of his work to appear, and has neither taken pains to conceal, nor to utter his private opinion, on one subject or another. He has no reason to expect, that this work will be read with satisfaction by those who entertain opinions opposed to his, and he has made up his mind to acquiesce in this misfortune, if, indeed, it be one, in hope of the good that may be accomplished in other quarters. He expects and is willing, that his work should be scrutinized; he does not anticipate that it will produce universal satisfaction; the questions involved render such a result hopeless; but he cherishes a confidence, that all the important facts, stated or disclosed, will generally be found correct,
as he has sincerely endeavored to make them so; and if they are correct, then, so far as they go, they answer all the purposes of history. The two-fold function of this work, as biography and history, requires to be considered, to appreciate the position of the author in his labors; and it is due to himself to have it understood, that he disclaims all attempt at history, except as it is connected with the main topic. It will be seen, however, that the leading features of the political history of the country, from the foundation of the government, both in its foreign and domestic policy, are here. That there should be a uniformity of views as to the reasoning from facts, as they present the aspects of that history, was not to be expected; and the privilege of such disagreement, is, that any one may have his own opinion, while the facts are common property, and abide. Occasionally it will be found, that liberal citations are made from Mr. Clay’s speeches, and public addresses; but it is believed it will also be seen, that such extracts, when they appear, are not only pertinent, but that they are more condensed forms of history and argument, than could otherwise be given. It was not only incumbent on the author to narrate what Mr. Clay did, but sometimes what he said. And who could say it better than himself? He is made to speak, when it is believed it will be more welcome to the reader, and more instructive, as to the matters under consideration, than anything else. When any one reflects upon it, he will be surprised at the volumes of fact and argument, which roll from the tongue of this orator, in a style peculiarly captivating—often powerfully eloquent. It will also be found, that his speeches can never be fully appreciated, except when viewed in their connexion with history, and that they are among the most interesting parts of his life. The fact, that they have been multiplied in various forms, could not be regarded by the author as a sufficient reason for not using portions of them, where they naturally fall in, to enrich and adorn his pages. They are parts of the history of the man, and of the great occasions most worthy of note in his biography. It is a just subject of regret, that many of Mr. Clay’s speeches are so imperfectly reported. Those which make him speak in the first person, are, for the most part, better done; whereas, those which represent him in the third person, not only present defects of style, but not unfrequently violations of grammar, in the use of oblique tenses, past for present, and other peculiarities in the style of reporters, who give the thoughts, rather than the language of the speaker. These defects the author, when citing passes of reported speeches, could not remedy, being obliged to take them as he found them. In regard to the GREAT CONSPIRACY, the new light which time and events have cast upon it, and the additional disclosures of a remarkable character,
can not but infuse into that complicated, stupendous, and hitherto ill-
understood affair, some—and not inconsiderable—new interest. The author
has not hesitated to give it the name which stands at the heads of the
chapters on the subject, believing that the case is fully made out, to show
the propriety of that denomination. It has been with the author a subject of
some degree of wonder, that the documents furnished by the principal
actors in that transaction, had apparently never been thoroughly analyzed,
to show what they prove.
It will not, perhaps, be surprising if an attempt should be made to abate the
effect of this part of the work, by alleging, that it was not done till one of the
principal parties was dead. To this it may be replied, first, that the
prospectus of the work, and an accidental public disclosure which went the
rounds of the journals of all parties, in one form or another, will show, that
it was done during the lifetime of that individual, and when, for aught that
appeared, the supposed original accuser in this case, was as likely to live as
the accused. Besides, there are several living witnesses, to whom the
manuscript had been submitted. A few alterations have since been made, in
one of which will be found a recognition of the event of death above alluded
to. Secondly, the charge, which was supposed to have gone by default—or
which, at least had passed measurably into oblivion—was reaffirmed, and
the issue reconstructed, in 1844, nearly twenty years after it was originally
brought forward, b y this very individual, thereby imposing on those who
believed it to be unjust, the duty of showing it to be so, as an imperative
demand, both of public and private justice. In such a position of the matter,
forced by this new affirmation, the investigation could not be made
contingent on the life of the parties more immediately concerned. Justice
can not pause for persons or events. And, thirdly, it will be seen, that this
part of the work was executed, as soon as it could be, without any regard to
the position, in life or death, of the original parties. That it should occupy so
much space, was inevitable, from the variety and extent of things necessary
to be considered.
It might, perhaps, have been expected, that more notice would be taken of
other prominent men of Mr. Clay’s times, than will be found in this work;
and to say truth, the author himself has been disappointed in this
particular. But it will be evident, that such is not the professed object of the
work, or necessary to its completeness. The author found himself so
perfectly absorbed in the career of Mr. Clay, and such an abundance of
matter relating to it claiming attention, that he could not make room for a
notice of contemporaries, other than such of them as belong to the story
laid out. It was impossible to do justice to the many worthy of notice, if such
diversions were indulged in; and it would seem to be partial to notice only a few.

On account of the importance of the measures of public policy advocated by Mr. Clay, the author has used his discretion, in regard to such as have been fortified by new facts, and brought into clearer light by experience and public discussion, to bring down the evidence to the present time, and to make such additional remarks of his own, as the present state of the questions seemed to require. Avoiding as much as possible all unnecessary offence to the political opponents of Mr. Clay, the author has not found it possible, in doing what he deemed justice to the subjects he has been obliged to handle, to pursue a course which he could reasonably expect would be gratifying to them; though he would fain hope that even they may find some instruction in these volumes. Though the author has endeavored to avoid errors, it would be strange if some should not be detected in a work of this magnitude, having to do with such a complicated variety and vast amount of facts and events; and none will be more ready than he to acknowledge and correct them, when they shall be made manifest.

That the author may not be held accountable for that which he does not profess to do, he would distinctly state, that he does not undertake to go farther into history than as it is connected with the life, career, and public services of Mr. Clay, which alone present a wider field than could be fully and minutely surveyed in a work of this size. This is one rule by which the work is constructed. To depart from it, would have opened an indefinite range of topics; and in adhering to it, the difficulty has not been to find materials to fill the volumes, but to select from, and condense those which most claimed attention. If the author had turned aside to notice contemporaneous events and characters, however important and interesting in themselves, yet, having no immediate connexion with the main subject, besides the violation of his rule, this work would either have been swelled to an inconvenient size, or more appropriate topics would have been left untouched. It will be found, that Mr. Clay’s career draws into its wake all the exciting and important political events of his time, some of which have claimed such an amount of consideration, as to exclude many items of his personal history of less importance.

Not only has the author been obliged, by his limits, to abstain from history not connected with Mr. Clay’s private and public career, but, for the same reason, he has been compelled to abridge and condense the materials that fall within these limits. In the selection of points and topics, he has chosen those which seemed to him most important, interesting, and instructive. A work twice as large as this would not fairly exhibit the whole of Mr. Clay’s
life; but that was thought too voluminous for the greatest benefit. Chasms in the personal history of a man who has lived so long, and occupied such a vast field, were unavoidable, and a few topics of great importance have necessarily filled a larger space than could be given to others, which, nevertheless, required notice. In a few instances, more extended extracts, employed for one purpose, will be found to comprehend other brief ones, used for another. It was not thought best, merely to avoid repetition, to diminish the force of the former, by suppressing the matter which constitutes the latter. It will also be found, that the author has adopted a course which will perhaps be considered novel in biography and history, in disregarding chronological order, when any particular attributes of Mr. Clay's character, or any specific class of his actions or pursuits, are under consideration. For example: his professional career, from beginning to end, stands by itself. The specimens of his wit and exemplifications of his brilliant qualities, are selected from his whole life, and grouped in one assemblage. The facts which illustrate and establish his character as an American patriot, running through his life, are also brought together. His character as a politician, statesman, and diplomatist, stands by itself, though illustrated by facts far asunder in the order of time. So with all points of his character, and with various subjects of his history. If the isolated facts under these various heads, were left to be noticed in their chronological order, they would lose much of their force, and fail to show the character of the man. The work is constructed on this general principle:—When any subject is up, it is completed before it is laid aside, whether it runs through the whole, or any part of Mr. Clay's life, though the general arrangement is chronological, as nearly as could be, without sacrificing the advantages of this method. The design is, that the reader should see and think of nothing else but the specific subject under consideration, till it is done with. He will, however, find no difficulty, in determining dates, so far as they are of any importance though he may be frequently put forward, and frequently put back, in the order of time. The absorbing topics of this work, in their connexion with the career of a man who has filled so large and so important a place in the history of his country, have in fact produced the effect on the author’s mind, in the execution of his task, to make him almost entirely unmindful of style. Whether this is a misfortune, he can not pretend to say. It must be obvious to those who can appreciate the task of authors, that style is a habit, that absorption in the theme will naturally detract from attention to style, and that the study of it, simultaneously carried on, tends to abate the spirit and
vigor of composition. If it must be admitted that style gives character to thought and fact, it can not be denied, that thought and fact are indispensable to style, and naturally enter into its structure. While the author will not deign to deprecate criticism on this point, it is nevertheless due to his own sense of the character of this work, to say, that it asserts no higher claim in literature, than a BUSINESS DOCUMENT—to state and determine matters-of-fact, within the shortest compass.