

MATTHEW CLAY: OLD SCHOOL REPUBLICAN

by

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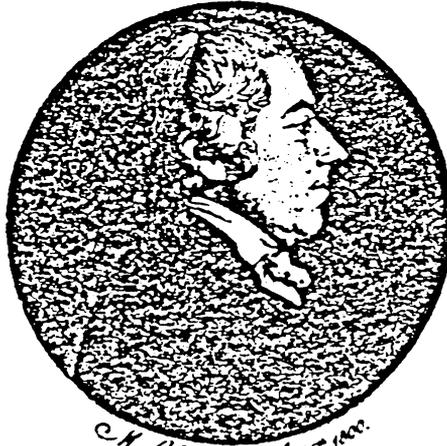
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ABSTRACT



Portrait of Matthew Clay (1754-1815), at the age of forty-six, when he was in Congress. Painted by Charles Fevret de Saint-Memin. (Taken from Fillmore Norfleet. Saint-Memin In Virginia--Portraits and Biographies. Richmond: The Dietz Press, 1942, p. 99.)

Chapter I
INTRODUCTION

Matthew Clay of Pittsylvania County, Virginia was one of the largest land and slave holders in the county. As a skilled and respected attorney, he spent many days at Chatham and Competition Courthouses. However, Matthew Clay's contribution to history was more than just that of a local figure. He was an officer in the Continental Army, and a member of the Virginia House of Delegates and the United States House of Representatives. He was a unique political figure in that he continued to adhere to 1798 Republicanism, long after other Congressmen defected to Jefferson's and Madison's semi-nationalistic policies. The Old Republicans, as they have come to be known, had an aversion to large standing armies, public debt and offensive war. They supported frugality in all phases of government spending and were strict constructionists of the United States Constitution. In other words, these southern conservatives adopted and maintained Jeffersonian ideals which Jefferson and Madison themselves saw a need to abandon for practical reasons once they had assumed the office of President of the United States. Many of the Old Republicans, owing to their conservative nature, nearly

always refused to compromise their beliefs. Although a conservative, Matthew Clay was more pragmatic than many of his colleagues, such as Virginians John Randolph of Roanoke and Edwin Gray, as he modified his strict beliefs on several occasions.

Special care has been used not to label Matthew Clay as a member of the "Randolphites" or Quids. The term "Quid" since its inception has been vague and often negative. Clay was not a follower of either group and often spoke against Randolph's vendettas and his unjustifiable and unyielding opposition to many of Jefferson's and Madison's programs. He may have voted with the Quids and "Randolphites," but the comparison ended there. In essence, Clay was a conservative who refused to change his values until he believed that national honor and security demanded it.

In addition to secondary sources, the main focus of research has been the extensive use of county court records, the Jefferson, Monroe and Henry Clay papers, and a limited number of Matthew Clay's personal papers. Most of the latter's papers are located in the Mississippi Department of Archives and History or in the possession of Clay's descendents. Owing to the deficiency of personal papers, and Clay's own belief "that one good vote was worth fifty bad speeches," this writer has been forced to fill in the

missing areas of his life with the assumption that he was probably a typical Southside Virginia planter, lawyer and politician in the age of Jefferson. This was necessary in order to give a well-rounded biography of Matthew Clay of Lavallee.

Chapter II

EARLY YEARS AND THE REVOLUTION

There were several families during the early days of Virginia which offered political, religious and military leadership to the state and to the nation such as the Byrds, Carters, Lees and Randolphs. Although not of such preeminent stature, the Clays were a notable Virginia family. Matthew Clay, the subject of this study, was not the first of that name recorded in the annals of the Old Dominion. His great- great grandfather Charles Clay, who was of Welsh decent and a resident of Henrico County, had been a frontier follower of Nathaniel Bacon in the Rebellion against Governor Berkeley during the 1670s. Unfortunately, Charles was killed during the uprising, having left his wife Hannah with a young son Henry to raise alone. Henry, who was born in 1672 and died on August 3, 1764, and his wife Mary Mitchell raised four sons, William, Henry, Charles and John. John Clay of Henrico was the father of the famous orator and politician Henry Clay, who moved to Kentucky in the 1790s. Charles Clay of Chesterfield, who was born on January 31, 1716, sired sons who also played important roles in local, state and national affairs.¹

¹ Early Lee Fox, "Matthew Clay," Dictionary of American Biography (28 vols. New York: Charles Scribner's Sons,

Charles, who was born on November 11, 1741, and his wife Martha Green Clay raised six boys and five girls. The boys were Eleazer, Charles, Thomas, Henry, Matthew and Green. The girls were Mary, Betty, Lucy, Priscilla and Martha.² A stern and strict disciplinarian, their father was a firm believer in hard work. He lived most of his life in Chesterfield County, where he improved on small beginnings to become an affluent gentleman farmer. He was heavily involved in the patenting and speculation of Piedmont, Virginia lands, the "west" of his day. Clay also owned several farms and on most of which he grew tobacco. He often left the farming chores to his youngest two sons Matthew and Green. Charles patented most of his land in western Halifax County which became Pittsylvania County in

1955-1981. Hereafter cited as DAB), II, 181. See also John Redd, "Reminiscences of Western Virginia, 1770-1790," The Virginia Magazine of History and Biography, (Richmond, 1893---. Hereafter cited as VMHB), III, 124-125, and James Edmonds Saunders, Early Settlers of Alabama, (Reprint edition, Easley, South Carolina: Southern Historical Press, 1977, originally published by L. Graham & Son, Ltd, New Orleans, 1899. Hereafter cited as Saunders, Alabama), pp. 270-274. This work includes an excellent genealogy of the Clay family.

² In Early Settlers of Alabama, Saunders states that Charles and Martha Clay had two children named Eliza and no one named Eleazer or Betty. However, the Pittsylvania County Book of Deeds and Wills indicates that the latter two offspring were deeded tracts of land in the county in return for the "natural love and affection" that the parents had for their children. There is no mention of any child named Eliza.

1767. During the ten year period from 1765 to 1775 he patented over 10,340 acres in Halifax and Pittsylvania Counties.³

The material circumstances of Charles Clay's life invite comparison with those of his more famous contemporary and fellow Chesterfieldian Archibald Cary of Ampthill, who died at about the same time. Clay had inherited very little from his father, whereas Cary's father had given him 4,000 acres in Cumberland County as a young man. Cary's prominence as a horse-breeder and a political leader in Virginia during the American Revolutionary War bore heavily upon him during the depressed years between the war and creation of the Federal government. By the time of Cary's death in 1787 and of Clay's in 1789, their financial situation had reversed itself. Cary still owned many slaves and considerable land, but his estate was deeply in debt and he had been forced to mortgage Ampthill. On the other hand, Clay had improved his financial lot, had avoided debt and expensive social obligations, and left his family an unencumbered estate appraised at £306.⁴

³ Will of Charles Clay. July 24, 1789. Book of Deed and Wills, Powhatan County, Virginia. pp. 173-176. ViSL.; Land Patents of Virginia and Western Lands. July 5, 1765 to May 1, 1775. ViSL.

⁴ Will of Charles Clay. July 24, 1789. Book of Deeds and Wills, Powhatan County, Virginia. pp.173-176. ViSL.; Robert Kincaid Brock, Archibald Cary of Ampthill:

Regardless of the mounting prosperity of Charles Clay, there was little, if any, harmony among the members of the household. The Clay's were, in general, an excitable, quick-tempered and stubborn group of people. The only possible exception (and that only a matter of degree) was Matthew. The latter was often guilty of irrationally scolding his sons for minor infractions such as the failure to use the correct date on a letter. His two brothers Charles and Eleazer both became ministers. Unfortunately for family peace, the former was an Episcopalian and the latter was a minister of the Baptist faith. According to tradition, a family reunion always ended with a long and hotly contested religious argument. Each one challenged the other on the propriety of their respective doctrines. Eleazer Clay was a respected and successful Baptist minister in Chesterfield County. He was the author of several religious works including a volume on spirituals and hymns. Eleazer also owned land in several counties including 770 2/3 acres in Matthew Clay's home county of Pittsylvania. Eleazer never lived in Pittsylvania, but he had a closer relationship with Matthew than with his other brother Charles.⁵

Wheelhorse of the Revolution, (Richmond: Garrett and Massie, 1937), pp.6, 135.

⁵ Land Tax Books, 1782. Pittsylvania County, Virginia. ViSL.

Charles Clay Jr. also patented much land in Pittsylvania County (over 1,800 acres), but he lived most of his early life in Chesterfield County. On October 27, 1769, he moved to St. Anne's Parish in Albemarle County after being ordained as an Episcopalian minister by the Bishop of London. He was deeply respected and revered by his parishioners. Bishop William Meade stated that his sermons were "sound, energetic and evangelical beyond the character of the times." In 1777 Clay met Thomas Jefferson for the first time when Jefferson was elected vestryman in St. Anne's Parish, although he rarely darkened the doors of the church. A quasi- friendship blossomed when Clay and Jefferson became neighbors in Bedford County as both men owned farms which lay in juxtaposition of each other. In addition to a rather extensive correspondence, Jefferson frequently visited Clay at his home for political and casual conversations.⁶

Jefferson held a very high opinion of Reverend Charles Clay. He urged Clay to write a book on the religions of man, but Clay graciously refused stating that he knew little

See also Matthew Clay, Jr. to Matthew Clay, April 15, 1814, in The Matthew Clay Papers, 1785-1834, in The Mississippi Department of Archives and History, Jackson, Mississippi. Hereafter cited as MDAH.

⁶ William Meade, Old Churches, Ministers and Families Of Virginia, (2 vols. Philadelphia: J.B. Lippincott Company, 1906), II, 48-51, 61.

of the Eastern religions. Jefferson and Clay frequently discussed religion, especially the separation of church and state, which both men strongly supported. Knowing the respect that the people of Albemarle had for Reverend Clay, Jefferson asked him to preach a patriotic sermon on June 1, 1774 at St. Anne's Church. The purpose of the service was to ask for Divine intervention to help the colonies after the closing of the Port of Boston. Regardless of the esteem that Jefferson held for Clay, he refused, with Jeffersonian consistency, to endorse Clay publicly for Congress in 1790. Jefferson explained in a letter to Clay in 1792 that he decided "from a very early moment in life...never to meddle with elections of the people, and [I] have invariably adhered to this determination." However, Jefferson's position and Clay's loss to Abram Venable (who was supported publicly by Patrick Henry) did not diminish their friendship, and both Clay and Jefferson remained close until Clay's death in 1824. Just prior to the year 1784, Charles Clay had a serious disagreement with his parishoners. He believed that he was not being paid nearly enough to compensate for the valuable time and effort that he spent in service to the church. In true Clay form, he left St. Anne's in disgust and was not heard of again until he resurfaced as a minister in Chesterfield County. The Clays

were determined to become a financial and social success at whatever they attempted, and hostility was often the product if they failed in their attempt.⁷

Another continuous source of familial hostility was the tensions between Matthew and his younger brother Green. Matthew was terribly jealous of Green throughout his entire life. As a young man and especially as an adult, Green seemed to succeed at every project that he attempted. Green showed great adeptness as a military leader during his service under General George Rogers Clark in the American Revolution. However, his military genius was especially highlighted during his participation in the War of 1812 in which he was promoted to brigadier-general for his service in Kentucky. He even became a war hero as he commanded 3,000 Kentucky militiamen in the capture of Fort Meigs and staved off the fierce attack of Indian braves led by the

⁷ Ibid., II, 48-51, 61. Land Tax Books, 1789. Pittsylvania County, Virginia. ViSL.; Dumas Malone, Jefferson And His Time, (6 vols. Boston: Little, Brown and Company, 1948-1981. Hereafter cited as Malone, Jefferson), I, 165, 172, Saul K. Padover, ed., A Jefferson Profile, (New York: The John Day Company, 1956), pp.247-248, Thomas Jefferson to Charles Clay, September 11, 1792, in The Writings of Thomas Jefferson, ed., by Andrew A. Lipscomb and Albert E. Bergh, (20 vols. New York: The Thomas Jefferson Memorial Association, 1903. Hereafter cited as Lipscomb and Bergh, Writings of Jefferson), VIII, 410-411. See also Thomas Jefferson to Charles Clay, January 27, 1790, in The Papers of Thomas Jefferson, ed., by Julian P. Boyd, (20 vols. Princeton, New Jersey: The Princeton University Press, 1950-1982. Hereafter cited as Boyd, Jefferson Papers), XVI, 129-130.

great Tecumseh and Proctor.⁸

Many of the personality traits of Green and Matthew were opposites of each other. Green was so consistently bold, daring, iron-willed, industrious and full of life that he exemplified the mythic frontier leader. Matthew was also a dedicated conscientious, hard-working individual, but he set about attaining his goals through quiet and subdued methods. Although Green and his father disagreed on several occasions, he and his mother were very close, and upon her death he received the Charles Clay estate in Powhatan County. The strict nature of the father and the independent nature of the son finally clashed when the latter was eighteen. The rift resulted after Charles Sr. insisted that the young man work in the tobacco fields along side the slaves. The youth already idolized Daniel Boone and was spellbound by the concept of "the west." Given the nature of Green's personality, the lure of the frontier and his father's stern order were all the excuses that he needed to leave Virginia for Madison County, Kentucky. Using shrewd land speculative skills taught to him by his father, Clay patented over 13,128 acres in a five-year period (1785-1790) in what became Fayette and Lincoln counties. He became one

⁸ DAB, E. Merton Coulter, "Green Clay," II, 173 and Fox, "Matthew Clay," 181, Margery Herbling Harding, ed., George Rogers Clark And His Men, (Frankfort: Kentucky Historical Society, 1981), pp.92, 113, and 185.

of the land-hungriest individuals in the state of Kentucky. He even wrote to Thomas Jefferson in 1823 asking him if he knew of any Indian treaties which might prohibit him from taking land below the Tennessee River. As a daring surveyor, Green Clay gained a fortune by receiving one-half a survey for surveying tracts of land located in dangerous areas of the state. It has often been said that through his surveying procedures he single-handedly destroyed the land system in Kentucky.⁹

Unlike Matthew, Green succeeded in politics even though he did not try to excel. For example, he won election to the Virginia House of Delegates in 1788 and the Kentucky House of Delegates in 1793 and Kentucky State Senate in 1795. He also attended the Kentucky Constitutional Convention of 1799. His fellow delegates reported that he was extremely vociferous (unlike his brother Matthew), and he made it clear to all the representatives that he had been chosen by the proud voters of Madison County, Kentucky. He had no genuine love for the world of politics, but it was

⁹ Green Clay to Thomas Jefferson, May 4, 1823, in The Thomas Jefferson Papers, The Library of Congress, (Washington, D.C.: 1974. Hereafter cited as DLC, Jefferson Papers), Microfilm. DLC. See also DAB, III, 173, Thomas Marshall Green, Historic Families of Kentucky, (Baltimore: Genealogical Publishing Company, Inc., 1975), p.145, Will of Charles Clay. July 24, 1789. Book of Deeds and Wills, Powhatan County, Virginia. pp. 173-176. ViSL, Clay Family Oral Traditions. Mr. Robert Young Clay, Richmond, Virginia.

the prestige of public office that enticed him. Green's success in the military was the greatest source of Matthew's jealousy toward his younger brother. Matthew saw very few chances for heroism during the Revolutionary War, and later as a Congressman he was willing to give up his political career for a chance to return to the military and upstage his brother. Both men were patriotic and were willing to defend the new nation, but there was always the hope that either wealth or prestige could be gained from a successful career in the military. There was very little correspondence between the two brothers, either positive or negative. They simply lived out their lives in a quiet, yet often fierce fraternal competition.¹⁰

One of the tracts that Charles Clay, Sr. patented in what became Pittsylvania County was the birthplace of Tom Matthew Clay and his twin sister Lucy. Although the Clay family lived only a few years in Pittsylvania, Matthew was born there on May 25, 1754. Charles Clay tired quickly of frontier life and in less than three years he moved his family to Powhatan and later to Cumberland County. It was in Cumberland County that the young man Matthew spent most

¹⁰ DAB, II, 173 and 181, George Morgan Chinn, Kentucky: Settlement and Statehood, 1750-1800, (Frankfort: Kentucky Historical Society, 1975), p.572. See also Clay Family Oral Traditions. Mr. Robert Young Clay, Richmond, Virginia.

of his prewar years working on his father's farm. Charles Sr. was a large tobacco grower and Matthew learned much about the cultivation and curing of the Virginia leaf. He was very adept at the business and clerical aspects of farming, which proved to be a valuable asset during the Revolutionary War. Matthew, like his brother Green, received little formal schooling. But industry and common sense allowed the two men to teach themselves the various skills necessary for success in life.¹¹

When the first shots were fired at Lexington and Concord, Matthew was reluctant to leave his father's farm since Green was the only brother available to supervise it. But when there was a second call for volunteers in October 1, 1776, he believed it was his patriotic duty to defend his country. Although Clay was only twenty-two years old, his father's secure though modest social status in Powhatan County along with his large land holdings in various counties throughout the state were more than sufficient to enable the young man to seek a military commission. Perhaps heeding Thomas Paine's admonition against the summer soldier, Matthew Clay decided not to fight as a short-term militiaman, but as a three-year regular in the Continental Army. Regardless what might have been his motivations in

¹¹ DAB., III, 181.

1776, his later career showed Matthew Clay to be both a patriot and a self-seeker.¹²

Clay left Powhatan County and was commissioned as an ensign in the 9th Virginia Regiment, or the 9th Virginia Line as it more frequently was called. The 9th Virginia had been raised in the eastern part of Virginia (Accomack, Gloucester and Goochland) for the purpose of protecting the state's coastline. In the fall of 1776, the Regiment was ordered to New Jersey and Pennsylvania as part of General Peter Muhlenberg's Brigade. Clay's determination, loyalty and efficiency won him quick advancement in the Army, and on March 16, 1777 Ensign Clay was promoted to 2nd Lieutenant. In October of 1777, the Regiment participated in the Battle of Germantown. In the confused melee during the battle so much of the 9th Virginia was captured by the British that the Regiment was reduced to little more than a skeleton. Matthew Clay was one of the fortunate who avoided capture as he and about thirty other men had been detailed by General Muhlenberg on that day. Regardless of his failure to participate in the battle, Clay was promoted to 1st Lieutenant on April 23, 1778.¹³

¹² E.M. Sanchez-Saavedra, ed., A Guide to Virginia Military Organizations in the American Revolution, 1774-1787, (Richmond: Virginia State Library, 1978. Hereafter cited as Guide), pp.27.

¹³ Ibid., pp.32, 59-60. DAB, II, 181, Maud Carter Clement,

As a result of the devastation at Valley Forge and the termination of three year enlistments, the army was reorgaized at White Plains, New York in September of 1778. As a result of this readjustment, the remnants of the 9th Virginia were merged with the 1st Virginia Regiment. As a consequence of his expertise with clerical duties and financial management, Clay became the Regimental Quartermaster for the 1st Virginia Regiment on December 1, 1778. It was in the 1st Virginia that Clay spent most of his war years, fighting and supplying General Benjamin Lincoln's army in the Carolinas. When Charleston surrendered to Sir Henry Clinton's British Regulars in May of 1780, approximately 300 officers and men of the 1st Virginia were captured. Clay's position as military recruiter for the Continental Army in Henry County (southwestern Virginia) did not allow him to participate during the fateful days at Charleston. However, the declining numbers of American men in the field made his task vital to the American war effort. Clay held the postion of recruiting officer until 1782.¹⁴

The History of Pittsylvania County, Virginia, (Lynchburg, Virginia: J.P. Bell Company, Inc., 1929. Hereafter cited as Clement, Pittsylvania), pp.202-203. Matthew Clay to Governor William Cabell, September 1, 1807. Executive papers of Governor William Cabell. Photocopy in the possession of Robert Young Clay, Richmond, Virginia. MSS.

¹⁴ DAB, II, 181, Guide, p.32, 59-60, Francis B. Heitman,

After the fall of Charleston and the subsequent loss of approximately 5,000 American soldiers, General George Washington urged the colonies to raise more men to augment the depleted American ranks in the South. In a letter to Major General Horatio Gates, Washington told Gates that Governor Thomas Jefferson had agreed to raise 5,000 militiamen in Virginia. Washington's plan called for the proposed troops to be divided into seven regiments to serve under General Nathaniel Greene in the Southern theater. As a result of Clay's effectiveness in the quartermaster corps and especially as a recruiter from southwest Virginia, Clay was designated by Washington to command the 2nd Regiment of Levies. Unfortunately, Clay missed his opportunity to become a military leader as Virginia could muster only two small battalions and he was not selected to command these recruits. In January of 1781, Lieutenant Clay was transferred to the 5th Virginia Regiment. He continued in his role as military recruiter since the 5th Virginia existed only on paper. In 1782, the Commonwealth of Virginia was divided into eight military districts, the southwestern part was termed the Montgomery District under

Historical Register Of Officers Of The Continental Army During The Revolution, (Washington, D.C.: The Rare Book Shop, 1914), p.159, John Richard Alden, The American Revolution, 1775-1783, (New York: Harper and Row Publishers, 1954), pp.124-127 and 227-232. See also Guide, pp.32, 59-60.

the supervision of Captain William Lovely whose subalterns were Lieutenants Matthew Clay and John Barns. Clay was given this position as a result of his experience as a quartermaster and his familiarity with the locale. Clay and Barns were to supervise the collection and distribution of "flour and forage" which would be sent to the various military posts and garrisons throughout the area. After two years in this post, Lieutenant Clay was retired in 1783 on half-pay of approximately £24 per year for life. He was also awarded 3,680 2/3 acres in the Virginia Military District of Ohio as a bounty land warrant for his service to the Commonwealth of Virginia. All the tracts were located in Kentucky with approximately 2,000 of the total acreage being situated on the Cumberland River while 1,090 acres lay in Madison County.¹⁵

¹⁵ Sherwin McRae, ed., Calendar of Virginia State Papers and Other Manuscripts, (11 vols. New York: Kraus Reprint, 1968 reprint of 1875-1893. Hereafter cited as CVSP), III, 127, General George Washington to Major General Horatio Gates, July 18, 1780, in The Writings of George Washington, ed. by John C. Fitzpatrick, (39 vols. Washington, D.C.: U.S. Government Printing Office, 1931-1944), XIX, 196-202, Gaius Marcus Brumbaugh, ed., Revolutionary War Records, (Lancaster, Pennsylvania: Lancaster Press, Inc., 1936), pp.104, 214. See also Louis Alexander Burgess, ed., Virginia Soldiers of 1776, (3 vols. Richmond: Richmond Press, Inc., 1929), I, 1451, Samuel M. Wilson, ed., Virginia Revolutionary Land Bounty Warrants, (Baltimore: Southern Book Company, 1953), p.14, "Receipt for Tax on Matthew Clay's Land, July 31, 1805," in The Papers of Henry Clay, ed. by James F. Hopkins, (7 vols. University of Kentucky Press, 1959. Hereafter cited as Hopkins, Henry Clay Papers), I, 192.

During his last year in the military, Clay joined with other military officers such as Horatio Gates and James Merriwether in creating the Society of the Cincinnati. Since the Society was to be criticized a decade later for harboring aristocratic and partisan political ambitions, it is instructive to take note that for many, such as Clay, the Cincinnati's objectives were much simpler. Besides a fraternal sharing of reminiscences of the war, they were concerned that some of their fellow officer's families were in economic straits resulting from the officer's absence from their homes for as much as six years.¹⁶

Although Clay had seen very little combat throughout the war, he played a significant part in the American victory---be it supplying Lincoln's army in the South or recruiting men for the Continental Army. His service in the army not only gave him status as a military veteran, but it also provided him with many influential contacts which proved valuable to a man seeking success in the world of politics.

¹⁶ John D. Kilborne, "Society Of The Cincinnati," Dictionary of American History (8 vols. New York: Charles Scribner's Sons, 1976), II, 37-38. See also VMHB, (1899), "Virginia Society Of The Cincinnati," VI, 22-29.

Chapter III

LIFE ON A TOBACCO PLANTATION IN CLAY'S PITTSYLVANIA, 1790-1812

In the second half of the eighteenth and the early part of the nineteenth centuries, Pittsylvania County encountered remarkable economic growth. The main contributor to this expansion was tobacco. Charles Clay had been deeply involved in growing the Virginia leaf and had transmitted to his son Matthew, his father's love for and expertise in raising the staple. Simultaneously, he and many Tidewater planters sought to acquire land above the fall line in the Piedmont section of Virginia for the purpose of moving thither immediately or at a later date.

Their reasons for the relocation into the interior were two-fold. The primary cause for leaving was the result of poor agricultural practices by the Tidewater planters which depleted the once-fertile soil. The second was the natural drain that tobacco had on the soil, regardless of even the most scientific farming methods. For more than a century, Tidewater farmers had patented and purchased extremely large tracts of land for their plantations.¹⁷ Although initially they might have set aside for the cultivation of tobacco

¹⁷ The term patent was used to signify that an individual had registered a claim to a tract(s) of land with the state land office at the capital.

only fifty acres of a five hundred-acre tract, in the long run, the entire plantation became exhausted and was no longer capable to grow the leaf. Plantation lands were exhausted because farmers did not rotate crops, fertilize the soils or plow with the contour of the land. Rather than attempt scientific methods then used in England to return soil to fertility, planters girdled trees on virgin land, and burned as much wood as possible to get it out of the way and started all over with rich, black humus-laden soil. To many Virginia planters the easy availability of good land seemed limitless. Compounding this problem was the fact that the tobacco plant took more nutrients from the earth than most crops, despite crop rotation, fertilization and contour plowing.¹⁸

Between 1750 and 1770, Charles Clay, Sr., like many of his contemporaries, patented land in various western areas of the state. Most of his 10,340 acre claims were located in Pittsylvania and Halifax Counties. Not long after he and his wife settled there in the early 1750s, his wife gave birth to twins, Matthew and Lucy Clay. Those who settled

¹⁸ Thomas Jefferson Wertenbaker, The Old South: The Founding of American Civilization, (New York: Charles Scribner's Sons, 1942. Hereafter cited as Wertenbaker, Old South), p.120. See also Robert McColley, Slavery And Jeffersonian Virginia, (Urbana, Illinois: The University of Illinois Press, 1973. Hereafter cited as McColley, Slavery), pp.9-12.

beyond the fall line and carved plantations out of the wilderness had to make great sacrifices. The cultural centers of the Tidewater were abandoned for the dangers of the frontier, such as Indians, wild animals and a harsh environment. Unwilling to give up the civility of eastern Virginia, Charles Clay moved his family from Pittsylvania back to Powhatan County. Three decades later his son returned to the county of his birth and resided there the remainder of his life.¹⁹

Thanks to his clerical experience as a quartermaster and to help from his wartime friends, Lieutenant Matthew Clay was able in 1784 to secure a clerk's position in the State Solicitor's or Auditor's Office at Richmond. On the side he read law and won admission to the Henrico County Bar. He soon gave up his clerk's job and concentrated his energies on achieving his ambition to be one of Richmond's finest lawyers. As a state employee and a lawyer, Clay was not only able to make important contacts with influential gentlemen and gain valuable experience which would aid him in politics, but he also was able to purchase military warrants to land in Virginia and Kentucky. For example, in 1786 alone, he patented 140 acres on the Chickohominy River

¹⁹ Land Patents of Virginia and Western Lands. July 5, 1765 to May 1, 1775. ViSL. See also Wertenbaker, Old South, p.120.

and 1000 acres in the Military District of Kentucky.²⁰

One of Clay's closest wartime friends was Colonel Robert Williams of Pittsylvania County. As County Lieutenant the latter had marshalled Pittsylvania's resources during the Revolutionary War. Lieutenant Clay first met Colonel Williams when the former served as both military recruiter for southwestern Virginia and as regimental quartermaster. Fortunately for the younger man, he had been befriended by one of Pittsylvania's wealthiest citizens. Colonel Williams dominated the county in both land acreage and number of slaves, owning in 1790, 3,866 acres and twenty-nine slaves. This was far above the county average of about 400 acres and five slaves per planter. In addition to being a large tobacco planter, Williams also owned a grist mill near the Dan River. During one of Lieutenant Clay's first visits to the county after the war, Williams introduced the young war hero to his neice and ward, Mary Williams, the daughter of his brother Joseph.²¹ Mary had become the apple of Colonel Williams' eye and he

²⁰ Clay Family Papers, Undated. Account Book of State Solicitor's Office, Photocopy of various pages. October, 1784. Photocopy in the possession of Robert Young Clay. MSS. See also Land Patent Books of Virginia and Western Lands. May 17, 1786 and August 9, 1786. ViSL.

²¹ Colonel Robert Williams was also the guardian of the late John F. Ferguson's three children Elizabeth, Fanian and Philadelphia. Court Order Books. September 25, 1777. Pittsylvania County, Virginia. #4, 20.

had given her such luxuries as a gold locket, silk shoes, dancing lessons and a hunting saddle. After a short courtship, Matthew Clay and Mary Williams were married on December 4, 1788 by Methodist Society minister James Hinton.²²

The decade of the 1780s was a time when the sons of many Tidewater tobacco planters resettled in the Piedmont. Since he owned land and had married in Pittsylvania County, Clay decided to live there while practicing law and farming tobacco. A portion of Mary's dowry included a 206-acre tract of land in Pittsylvania County, but rather than building on the tract, Clay waited for a chance to obtain land on a more favorable site. Thus the newlywed couple lived with Mary's guardian for the first year of their marriage. His in-law's influence probably would not have been enough to launch him immediately into political prominence, but his war record and his reputation as a fine lawyer won him a seat in the Virginia House of Delegates within a year of his arrival. It was during the first year of their marriage that Charles Clay Sr. died at the age of

²² Accounts Current of Robert Williams. August 19, 1799. Book of Accounts Current. Pittsylvania County, Virginia. #3, 73, Land Tax Books. 1790. Pittsylvania County, Virginia. ViSL.; Personal Property Tax Books. 1790. Pittsylvania County, Virginia. ViSL.; Marriage Books. December 4, 1788. Pittsylvania County, Virginia. p.10. See also Maud Carter Clement, Pittsylvania, pp.202-203.

seventy-three on February 25, 1789. It was not because of a disagreement between the two men in the later years of the father's life that Charles left Matthew only five shillings. He had given Matthew a 1000-acre tract of land in the southwestern part of Pittsylvania County in March of 1774 and had forgiven all outstanding debts. Indeed, his father's generosity had enabled Clay to establish himself comfortably by selling for £600 the land that his father had given him. At first Matthew Clay intended to use the £600 to purchase suitable land. The unexpected death of his brother Henry brought him an inheritance of 333 1/3 acres. He was therefore free in 1790 to use the £600 to construct his first home.²³

The young planter lived in his first home until 1795 when he moved into a still finer one, more befitting a planter, lawyer and successful politician. This house he called Lavallee, located on a beautiful 365-acre estate on

²³ Will of Henry Clay. March 21, 1777. Book of Deeds and Wills, Pittsylvania County, Virginia. #5, 443. Henry Clay died in 1777, but due to legal entanglements it took over ten years to settle his estate. See Matthew Clay Papers, 1785-1834. Proceedings of the High Court of Chancery in Richmond, Virginia, October 21, 1791. Mississippi Department of Archives and History. MSS. See also Deed Book, March 24, 1774. Pittsylvania County, Virginia. #13, 518, Deed Book, October 6, 1788. Pittsylvania County, Virginia. #8, 403, Will of Charles Clay. July 24, 1789. Book of Deeds and Wills, Powhatan County, Virginia. pp. 173-176. ViSL.; VMHB, (1900), VII, 124-125.

the banks of Sandy Creek. Lavallee reflected Clay's successful, yet austere, attitude toward life. The home was moderate in size although it contained two dining room sets with eight mahogany chairs. Its windows were hung with then fashionable calico curtains. Mary Williams Clay served ladies afternoon tea while her husband undoubtedly dispensed stronger brew in his prized silver cups. Lavallee also revealed the Clays' love for art as they had prints and engravings of various scenes and personalities throughout the home. In his study, where Matthew Clay spent hours researching a case or reviewing a piece of legislation, could be found a bookcase containing works on law and politics, and a secretary where he often composed circulars to his constituents. Clay was most proud of his gold watch which he saw as a conspicuous symbol for a man who had achieved status in the world. Lavallee became the center not only for his political and legal involvements, but for his agricultural and social endeavors as well.²⁴

Although there are no surviving records, such as bills of lading, debt payments or receipts, we must infer that life on Clay's plantation was not very different from most of this period in Southside, Virginia.

²⁴ Land Tax Books. 1796. Pittsylvania County, Virginia. ViSL.; Personal Property Tax Books. 1815. Pittsylvania County, Virginia. ViSL.

Profits from the sale of tobacco were Pittsylvania County's economic life blood. Production of the staple was increasing rapidly when Clay began the business of tobacco cultivation. Paradoxically, the poor, gray, sandy soil of his new plantation proved superior to the heavier soils of the Tidewater. The roads of the Piedmont were beginning to be widened and improved. More ferries were established to allow for safer and faster means of getting the crop to the deep water markets below the fall line. Clay's tobacco plantation was typical of those in Southside. He held nearly the same amount of slaves and land as did his neighbors. In 1790 Clay owned six slaves and 333 1/3 acres, while his fellow planters and political opponents Stephen Coleman, Thomas Tunstall and Benjamin Lankford possessed nine, four and seven slaves, and 800, 590 and 400 acres, respectively. By 1812, Clay owned fifteen slaves and over 1,464 acres. Superficially, the Piedmont plantation was so similar as to appear only an extension of the original Tidewater model. The former's greater isolation made its owner and his family more independent, aggressive and self-sufficient. This isolation was compounded by the fact that luxuries and finished goods from English and American urban centers, which could have made the frontier more bearable and hospitable, were made much more expensive

because of greater transportation costs. Sometimes theoreticians belabor the Southerner's choice of an ideal of self-sufficiency. The owner of Lavallee Plantation, like most of his neighbors, had no choice but to manufacture many implements for farming and many furnishings for living comfortably. Although Clay employed both male and female slaves in his crop fields, special tasks were allotted by sex. Periodically, Clay employed male slaves as blacksmiths, tanners, distillers and coopers, the latter of these having the important duty of constructing the hogsheads for the "prizing" or packing of tobacco. He also required his male slaves to supervise the livestock small grain and corn crops, all of which were raised primarily for home consumption although some wheat was shipped down the Dan River to deeper waters at Weldon, North Carolina for export. Female slaves, aided by children, planted vegetables, tended the yards, churned butter in the dairy and cured hams in the smoke house when their services were not required for tobacco cultivation. While the master and mistress of the plantation did not always wear fine imported garments, the slaves almost always wore coarse cotton clothing called "Virginias" or osnaberg. However, unlike some Piedmont Virginia plantations, Lavallee along with most Pittsylvania plantations purchased linen and "Virginias"

rather than produce them on the plantation.²⁵

The expertise required for tobacco production on Piedmont plantations deeply impressed both French and British visitors to the United States. The cultivation of tobacco began in the early spring. The first step of tobacco production was the clearing of virgin soil for a plant bed. Most farmers girdled and then burned off the trees to clear the land, not realizing that the reason fire and ashes helped the growth of the seeds was due to the fact that it assisted in killing the tobacco small fly. Clay planted the Oronoko or sweet-scented variety which turned bright yellow when cured and was called Kite's Foot. The seedlings were so tender and fragile that either Clay or one of his sons carefully drew them from their plant beds when they reached a height of about six inches. Slaves then relayed the bunches of seedlings from the plant bed to the field and gently laid them beside the hills. Another slave would flatten down the hills while another punched a small

²⁵ Wertebaker, Old South, pp.133, 136-139, 453, Personal Property Tax Books. 1796. Pittsylvania County, Virginia. ViSL. Land Tax Books. 1791 and 1813. Pittsylvania County, Virginia. ViSL. See also McColley Slavery, pp.9-12, Clement, Pittsylvania, p.103, and Dorothy McCombs, "Virginia Cloth," Early Textiles In Virginia, Particularly In The Backcountry Between The Blue Ridge And Alleghany Mountains Until 1830, Unpublished Thesis 1976, Department of History, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, pp.40, 45-46.

hole in the ground with a peg and planted a tobacco seedling.²⁶

Tobacco cultivation required much time, effort, skill, care and luck. Faced by uncertainties of weather and of poor prices at the market, farmers had to be stoical. They also had to engage in home manufactures, since occasional crop failures required home production in order to avoid paying scarce cash to merchants. Tobacco is very labor intensive and during the season most of the slaves spent the day hoeing, plowing and weeding the crop. Although the plow was used, the primary means of cultivation was hand labor. When the plant reached two or three feet, it was "topped" and "primed." The former was the process of removing the bloom, while the latter required the pulling of four or five bottom leaves at a time until about twelve leaves remained on the stalk. The crop also had to be suckered and wormed at least twice during the season. The purpose for "topping," "priming" and suckering was to allow all the growth to go to the leaves, not the appendages.²⁷

²⁶ McColley, Slavery, pp.17, 26. See also Lewis Cecil Gray, History of Agriculture in the Southern United States To 1860, (2 vols. New York: Peter Smith, 1941. Hereafter cited as Gray Agriculture), I, 217, 218, 225.

²⁷ Wertenbaker, Old South, p.132, McColley, Slavery, p.19. See also Gray, Agriculture, II, 775-776.

As harvest time approached in early August, practically all of Clay's slaves were needed to bring in the crop. Determining the correct moment to begin cutting the tobacco stalks required an experienced and discerning eye. William Tatham, author of An Historical and Practical Essay on the Culture and Commerce of Tobacco, stated in 1800:

I find it difficult to give to strangers a full idea of the ripenng of the leaf: it is a point on which I would not trust my own experience without consulting some able crop-master in the neighborhood; and I believe this is not an uncustomary precaution among those who plant it.

When Matthew Clay had decided on an approximate date, an experienced slave would cut the stalk at ground level and split it down the center with a chisel-shaped knife. After laying in the sun for several hours, the tobacco became wilted and supple enough to reduce the chance that leaves might be broken off when gathered and taken to the barn. Eight to ten stalks of the wilted tobacco would be placed on a tobacco stick, loaded on a wagon and sent to a well-ventilated tobacco barn to be cured. When Clay began his career as a tobacco planter in the 1790s, air curing was the most popular method. The desire to rid the plant of excessive moisture led farmers to burn small, open charcoal fires inside their tobacco barns. Within a decade, most planters adopted this process of fire curing since it not only quickly reduced the amount of moisture in the leaf, but

it created in the plant a pleasant smokey taste popular in Europe. After curing, the bunches of leaves remained in the barn in order to get "in case" or gain enough moisture to make it supple enough to be stripped from the stalk without shattering. This process was usually performed in the pack house, after dark, by Clay's younger slaves. The stripped tobacco was then placed in piles to retain moisture. Joseph or Matthew Jr. oversaw the slaves as they "graded" or determined the quality of, the tobacco and tied it into hands.²⁸ The hands were later "prized" into hogsheads which when filled weighed about 1,000 pounds. Great care had to be taken to insure that the tobacco was not too moist since molding could occur and destroy the entire hogshead.²⁹

An average acre in Piedmont Virginia, produced about 1,000 pounds of tobacco during a good season. Unfortunately, the Piedmont planters learned little from the experiences of their Tidewater neighbors. Throughout most

²⁸ Tobacco is tied into hands by wrapping the heads of a bunch of leaves with a single leaf. This keeps the leaves together without putting a foreign substance into the hogsheads.

²⁹ McColley, Slavery, pp.17, 60, Gray Agriculture, I, 215, 218, 219, II, 775-778. See also Herndon, George Melvin, William Tatham and the Culture of Tobacco, (Coral Gables, Florida: University of Miami Press, 1969. Hereafter cited as Herndon, William Tatham), pp. 22-24, 409-410. This volume contains a facsimile reprint of Tatham's work An Historical and Pratical Essay on the Culture and Commerce of Tobacco and Herndon's comments on Tatham and the cultivation of tobacco to the present.

of the early national period, the majority of farmers continued to adhere to the old practice of depleting the soil in one area and moving on to a new tract. As Tatham so succinctly put it:

A Virginian never thinks of reinstating or manuring his land with economy until he can find no more new land to exhaust, or wear out, as he calls it; and, besides, the tobacco which is produced from manured or cow-penned land, is only considered, in ordinary, to be a crop of the second quality.

Few planters rotated their crops, practiced contour plowing or used fertilizers. They thought only of the short term profit and the need to service their debts. Thinking of tobacco production in terms of pounds per worker rather than pounds per acre, they sacrificed the land for the sake of quick profit. Thomas Jefferson explained in a letter to Charles Willson Peale in 1813 that people in the Piedmont plowed up and down or in any fashion, but "we now plough horizontally, following the curvatures of the hills and hollows...." He noted that "every furrow thus acts as a reservoir to receive and retain the waters, all of which go to the benefit of the growing plant, instead of running off into the streams." Clay probably practiced very little scientific farming as he spent most of his life making land deals in order to secure tracts of land in the general area of Lavallee. For example, in 1795 he owned only 333 1/3

acres on Sandy Creek, but by 1809 he had increased his holdings on Sandy Creek to 1,754 3/4 acres.³⁰

Regardless of the poor agricultural practices, Pittsylvania County became one of the state's largest tobacco producers. Under state laws designed to assure quality, tobacco had to be inspected by state officials before it could be sold. As the boundary of tobacco production moved west, Virginia legislators recognized the need for more inspection warehouses. Established in 1785, Lynch's Ferry (later Lynchburg) on the James River was one of the earliest "western" inspection depots and the closest one to the Clay plantation. The Clays used an overland route to Lynch's Ferry. Either Matthew Jr. or Joseph took charge of three or more slaves in moving the tobacco to market. The Clays probably followed the custom of northern Pittsylvania County in making their way north by way of the Great Mail Road, Hickey's Road and "the Roaling Road" to Ward's Ferry on the Staunton River in the northern part of Pittsylvania County. After crossing the Staunton, they followed Ward's Road, in Bedford (later Campbell) County,

³⁰ Gray, Agriculture, I, 218, McColley, Slavery, pp. 17-18, Thomas Jefferson to Charles Willson Peale, April 17, 1813, in Lipscomb and Bergh, Writings of Jefferson, XVIII, 276-279, Wertenbaker, Old South, p. 147, Land Tax Books. 1795, 1810. Pittsylvania County, Virginia. ViSL.; Herndon, William Tatham, pp. 6-7.

which led directly to Lynch's Ferry on the James River.³¹ Most of Clay's hogsheads were either "rolled" as had been the practice in earlier days, or they were loaded on wagons and hauled to market. The journey to Lynch's Ferry was a long, and hard forty-five miles that often took several days to make the trip. Although wild animals and highwaymen posed danger to unwary wagoneers, teamsters from several plantations usually banded together to make the trip safe and to enjoy good times as they camped along the way. Their blazing fires, loud singing and occasional stories could be seen and heard by the residents on the main tobacco roads.³²

³¹ The Great Mail Road ran from Charleston, South Carolina through Pittsylvania County near Danville, Competition, east to Peytonsburg and then turned north to Philadelphia, Pennsylvania. Hickey's Road, one of the oldest roads in the county, ran from Whitmell in the western part of the county, by way of Competition (present day Chatham) to the northeast part of the county. The old "Roaling Road," built for the express purpose of getting the tobacco to market, intersected Hickey's Road and led northwest to Ward's Ferry which crossed the Staunton River. Ward's Road is a historic highway which many Tidewater settlers followed when moving west. See Clement, Pittsylvania, pp.52, 108, 198.

³² Wertebaker, Old South, p. 126, McColley, Slavery, p. 19, William Waller Hening, The Statutes At Large: Being A Collection Of All The Laws Of Virginia, (13 vols. Charlottesville: University Press of Virginia, 1969, reprint of 1818 to 1823 ed. Hereafter cited as Hening's Statutes), XIII, 66-67, Gray, Agriculture, I, 225, Wertebaker, Old South, pp. 133-135, Clement, Pittsylvania, pp. 52, 108.

Once they arrived at Lynch's Ferry, the wagoneers delivered their hogsheads to be weighed and examined by the state inspectors. The tobacco was then stored for the shipment down the James to deeper water at Richmond or Petersburg. Since the James River from Lynch's Ferry to Richmond was shallow, tobacco was often shipped down the river on a batteau or pirogue when the river was at flood stage. These boats were long and slender and could be easily manipulated through rapids by skilled black watermen, one of whom was a helmsman and two polemen. The trip from Lynch's Ferry to Richmond usually took one week. After inspection of the tobacco, the Clays were paid in receipts or notes which would serve as a contract until it was sold in Tidewater ports. Insurance on the cargo was paid by the merchants in Richmond or Petersburg. After completing their duties at the warehouse in Lynch's Ferry, the Clay boys undoubtedly followed the custom of the country in purchasing at the fall line ports goods which could not be manufactured at Lavallee. These items included such things as sewing needles, paper, farm equipment, tableware, finished cloth and books. They also occasionally bought luxury items from Europe, such as silver and gold items, laced clothing and elegant shoes and hats. Often, plantation owners, such as Captain Francis Graves of Pittsylvania County, purchased

goods there for local store owners, such as Samuel Callands. Since Graves and his fellow plantation owners added to the price of such items with high transportation charges, the country store keepers whom they supplied had no choice but to sell their goods at exorbitant prices in order to make even a small profit.³³

The inconvenience and expense of trading at Lynch's Ferry soon prompted Pittsylvanians to request the establishment of a tobacco inspection station closer to home. A tobacco planter himself, Delegate Matthew Clay probably instigated the composition of the very petition for establishing such a station that he presented to and supported in the state legislature. In October of 1792 the General Assembly agreed to study the possibility of establishing one near Boyd's and Irvin's ferries in Halifax County. After due consideration, the legislature on November 14, 1793, ordered the establishment of a tobacco inspection at Dunkirk Warehouse on the Dan River in Halifax County. Even closer to home, Delegate Clay and others secured a charter for incorporating the town of Danville on November 23, 1793 with the express purpose of it becoming a tobacco inspection town. On December 3, 1793, the General

³³ McColley, Slavery, pp. 15-16, Clement, Pittsylvania, pp. 101, 108. See also Wertenbaker, Old South, pp. 129-132, 133-135, and Herndon, William Tatham and the Culture of Tobacco, pp.80-81 and 198-199.

Assembly licensed John Barnett's Danville Warehouses on Winn's (Wynne's) Falls to inspect tobacco. The warehouses were to be operated by John Barnett. Three days later Dix's Warehouse on the Dan River was also founded. Thus planter-politician Matthew Clay had given great impetus and sound direction to Pittsylvania. The convenience of the warehouses led to greater immediate tobacco production and profits in the county and laid the base for the dominant economic activity from that day to the present.³⁴

Regardless of its preeminence, tobacco often suffered periods of economic depression. In addition to a dependency on the weather and seasonal factors, there were various external circumstances, such as European wars and their inevitable violation of America's maritime rights. The Napoleonic Wars and the ensuing Embargo cut sharply into the planter's profits. As Congressman, Clay and many of his fellow legislators, constituents and countrymen were willing to bear hardships in order to restore American naval rights on the high seas and maintain national honor. Others, however, circumvented the Embargo and placed their self-interest before that of the nation. As a result of the

³⁴ Samuel Shepard, The Statutes At Large Of Virginia...Being A Continuation Of Hening, 1792-1806, (3 vols. Richmond: AMS Press, 1968. Hereafter cited as Shepard's Continuation), I, 258, 260, 261, Hening's Statutes, XIII, 553. See also Clement Pittsylvania, p. 231.

Embargo and the rising competition from Virginia's sister commonwealth, Kentucky, tobacco prices began to gradually decline, forcing planters to rely much more on home manufactures, and the raising of small grains and corn for local milling and domestic livestock. Many tobacco farmers became so discouraged as tobacco prices dropped from nine cents per pound in 1808 to less than six cents per pound in 1812, that they turned to pork and wheat production hoping to avoid the spiraling and uncertain prices for tobacco. But Clay and most of the people of Pittsylvania believed that the future was bright for tobacco. Time proved them correct as the price per pound for tobacco rebounded and by 1816 the crop sold for fourteen cents a pound.³⁵

Pittsylvania was then only one step removed from the frontier and the simplicity of life was both arcadian and crude. The hours of work that the slaves performed on the plantation enabled Clay to practice law. He spent many days at Pittsylvania's first courthouse in Chatham and later at the one in Competition.³⁶ Most of his cases pertained to trespass, nonpayment of debt and dispute over boundary

³⁵ Gray, Agriculture, II, 765-66. See also Wertenbaker, Old South, p. 149.

³⁶ The first courthouse of Pittsylvania County was located in Chatham in 1769 (present day Callands). The second courthouse was constructed at Competition in 1806 (renamed Chatham in 1874).

lines. The courthouse was the center of life in the early history of the county. Around it grew a hamlet where blacksmiths, tanners, coopers and storekeepers established shops near the courthouse to take advantage of the flood of litigants and witnesses as they poured into the area on court day. Farmers often traded or sold horses and bulls in the courthouse area while they discussed politics or other topics of interest. It was not long before a church, such as the Old or Upper Banister Baptist Church, was established near the courthouse. Samuel Callands owned and operated one of the first stores at old Chatham Couthouse. In addition to necessary supplies such as salt, molasses, shot, linen, osnaberg and farm equipment, he sold various luxuries like felt hats, punch bowls, shaloon and ivory combs to those who could afford them. Even after the dry goods store, the country housewives often bought her necessaries and little luxuries from itinerant peddlers who braved braved fierce weather, wild beasts, crude roads and thieves in order to sell goods on the backcountry.³⁷

³⁷ McColley, Slavery, p. 20, Clement, Pittsylvania, pp. 51, 57, 99-102, 130, Wertenbaker, Old South, pp. 139-140. See also Wirt Johnson, A History of Halifax County, Virginia, (Reprint edition, Baltimore: Regional Publishing Company, 1975, originally published in Richmond, 1924), p. 27.

Life in Clay's Pittsylvania was not all labor and no play. Many of its sports and amusements were those which had been transplanted from the Tidewater to the Piedmont. Planters participated in gaming events such as whist, fives and cock fighting. Clay and other gentlemen of Pittsylvania County enjoyed hunting quail, deer and bear for sport. Foxhunting was another sport exceedingly popular among the planter aristocracy of Southside, Virginia. The sound of the horn, the yelp of the hound and the cry "tally ho!" was by no means unknown in Southside Virginia at the turn of the eighteenth century. Many took the sport seriously and spent large sums of money in its pursuit.³⁸

John Randolph of Roanoke, who lived in Prince George and Cumberland Counties, also had a plantation on the Roanoke River in Halifax County, less than forty miles from Clay's seat. He was one of the first native Virginians to experiment with foxhound breeding about which he and Nathaniel Macon of Warren County, North Carolina exchanged voluminous and ardent correspondences. However, the most popular sport in Southside Virginia, just as it was in the

³⁸ Wertebaker, Old South, pp.142-146, Maud Carter Clement, Writings of Maud Carter Clement, (Salem, West Virginia: Walsworth Publishing Company, 1982. Hereafter cited as Clement, Writings), pp.68-69. See also Alexander MacKay-Smith, The American Foxhound, 1747-1967, (Millwood, Virginia: The American Foxhound Club, 1968), pp.1, 68.

Tidewater, was horse racing. It was a rarity to find a large plantation without a race track. Although Clay raised horses (he owned ten in 1799) and was a racing enthusiast, his neighbor and clerk of the Pittsylvania court, William Tunstall, was renowned for his breeding of fine horses of the "Koulikhan" variety. In a world when all men rode, high and low, politicians or no, contemporaries considered John Randolph of Roanoke the greatest experts in equine breeding and lore. Matthew Clay must always have respected his neighbor's horse sense, no matter how he might differ with his political perceptions in the 1800s. We do not know whether he, like Randolph loved to participate in quarter races and travel from one plantation to another in search of private contests. Certainly Clay never emulated Randolph in going to such far-away places as Charleston, South Carolina, for that purpose. Neither did Clay win renown as a breeder of horses or hounds, while John Randolph of Roanoke was famous for both. Although Randolph experimented with stallions and mares, he won greatest renown for his part in the development of a line whose great sires were the Godolphin Arabian and his son Janus. Most gaming events and horse racing were held on plantations, but there were several times throughout the year when they would be scheduled on the courthouse grounds. Some planters made

large wagers on the outcome of a race. Randolph rarely bet large sums and we do not know that Clay ever did. In summation, Clay was not a high-flying breeder, rider, hunter or better. However, he was one of many Southside plantation owners who enjoyed raising moderate herds of horses, frequenting local horse races and even occasionally hunting fox on his or neighboring plantations.³⁹

A favorite among all the planters and their families was the occasional ball or dance. After adorning themselves with fashionable attire, Matthew Clay and his wife Mary would elegantly arrive at the social in their phaeton. Naturally, the highlight of the evening would be the dancing and playing of the Virginia Reel. The Virginia Barbeque was also a large and famous social affair of Pittsylvania County. The host would roast an entire hog over an open fire and serve it with fresh vegetables and punch, wine or grog. Weddings were also a time when the families of the county could join together for days of great banquets and much socializing. Clay and his fellow plantation owners led busy lives, but there was always time for simple "visiting" and

³⁹ Fairfax Harrison The Roanoke Stud, 1795-1833, (Richmond, Old Dominion Press, 1930), pp.13-18 and 20-26, Alexander MacKay-Smith, The American Foxhound, 1747-1967, pp.1, 68. See also Wertenbaker, Old South, pp. 142-146, Clement, Pittsylvania, pp. 104-105, Personal Property Tax Books. 1799. Pittsylvania County, Virginia. ViSL.; Johnson, A History of Halifax County, Virginia, pp. 20, 27, Clement, Writings, pp.68-69.

the weekly Sunday morning service at the local church.⁴⁰

Being a planter was not an end unto itself. Most of the successful ones diversified their income. Clay's agricultural endeavors were only one part of his multi-faceted interests. He was also involved in land speculations in Kentucky as a result of his war bounties, and in Pittsylvania County. Further compounding his wealth was a salt mine that he owned in Sparta, Tennessee. He often sent his oldest son Joseph there to supervise the salt boring. In addition to all these enterprises, Clay was also one of only a handful of lawyers in the county and a politician.⁴¹

Many of the Early National planters were engaged in the profession of law plus various other enterprises. Although the point has been negatively overemphasized, many planters did often spend too much time in the pursuit of law and politics while overseers inefficiently operated the plantation. For example, Patrick Henry, who was never a

⁴⁰ Wertebaker, Old South, pp. 142-146, Clement, Pittsylvania, pp. 104-105, Personal Property Tax Books. 1793. Pittsylvania County, Virginia. ViSL.; Johnson, A History of Halifax County, Virginia, pp. 20, 27, Maud Carter Clement, Writings, pp.68-69.

⁴¹ For his Revolutionary War bounty lands, see above Chapter 1, See also Saunders, Alabama, p.273. Matthew Clay's will was proven in White County, Tennessee on August 11, 1815 by his sons. This was done to clear up any question as to the rightful heirs of Clay's salt mine. See White County, Tennessee Wills and Inventories, 1810-1828, p.40.

good businessman and more of an eloquent speaker than a sound lawyer, attempted to conduct his legal and plantation business at the same time while holding public offices in Virginia, but until his old age he avoided the expense and inconvenience of service in the national government. In contrast, Thomas Jefferson between 1781 and 1809 devoted his life to the public outside of Virginia. It was partly owing to mismanagement by overseers that Jefferson died in bankruptcy. In the main, however, many plantation owners rechanneled their legal and political incomes into capital improvement for agriculture. This could prove to be an asset during periods of poor market prices or bad harvests. Lawyer-planter Matthew Clay could afford to get involved in national politics since he had two industrious, well-instructed sons who understood their father's businesses and eagerly managed his various enterprises. Thus Delegate and Congressman Matthew Clay could legislate away from Lavallee with an eased mind, knowing that his sons were overseeing business. Clay died in 1815 with an unencumbered estate valued at about \$2,540.00 and vast tracts of land in Pittsylvania County totaling over 1,806 acres.⁴²

⁴² George Green Shackelford, "To Practice Law: Aspects Of The The Era Of Good Feelings Reflected In The Short-Ridgely Correspondence, 1816-1821," Maryland Historical Magazine, (Baltimore, Maryland Historical Society, 1969---.), LXIV,

Life in Pittsylvania County changed little between the end of the Revolution and the War of 1812. It is true the Indians disappeared as a result of disease and emigration, but men still had to drive their wagon teams over great distances and crude roads in order to get their crops to market. Even to reach the few stores within the county farmers and planters had to travel many miles. By the beginning of the nineteenth century, Pittsylvania County entered a period of slow but constant growth that persisted with little change until the Civil War. Although there was not a profusion of tobacco markets, the county had achieved the establishment of several. Roads were also being improved for the use of phaetons and carriages as well as wagons. Regardless of the uncertainty of prices, tobacco brought to the county what wealth it did have. Calland's Store and other stores in the county afforded an expanding inventory which included some luxuries. The hamlets of Pittsylvania County were becoming thriving towns. Chatham, Competition and Danville were the home of tradesmen, craftsmen, churches and tobacco markets. The fact that

341-395, E. Lee Shepard, ed., "Professional Choice In Antebellum Virginia, A Letter of Thomas Robinson Joynes," VMHB, (1980), LXXXVIII, 355-361. McColley, Slavery, pp. 27-29, See also Accounts Current of Matthew Clay. February 18, 1839. Book of Accounts Current. Pittsylvania County, Virginia. #12, 274-275, Land Tax Books. 1816. Pittsylvania County, Virginia.

Pittsylvania had a peripatetic county seat demonstrated that the farm and plantation remained the economic and social center of the county.

The attitude of the citizens also changed during this period. A gentleman did not seek bodily revenge on his neighbor if he delayed in paying his debts, he simply took him to court. The sessions of court were filled with petty cases and planters often attended the sessions as a witness or observer, if not as a plaintiff or defendant. With the shift to more legalistic ways, the Pittsylvanian looked for guidance to lawyers and entrusted them with public offices. For the people of Pittsylvania, their public servant had to be truly sympathetic to the events back home. And in the periods 1790 to 1794 and 1797 to 1813, they were well represented by Delegate and Congressman Matthew Clay. His background, livelihood and interests were similar to those of his constituents. Like many of his neighbors, he planted tobacco, raised small grain and livestock and held slaves and many acres of land. When the need arose for a closer tobacco inspection warehouse or when a river needed to be cleared of debris, they knew that they could rely on Delegate Clay. When their Delegate became Congressman Clay, they still knew that they could count on him to firmly resist the tax on salt- a form of revenue which cut deeply

into the purses of the poor. Clay, like his fellow Southside Congressman John Randolph of Roanoke, often believed it necessary to remind Congress how the people of their district stood on an issue. Thus the pride that Matthew Clay held for the Southside and its people was mirrored in his successful career as a lawyer, politician, and planter.

Chapter IV

SERVICE IN THE VIRGINIA HOUSE OF DELEGATES, 1790-1794

Matthew Clay was a resident of Pittsylvania County only a little more than two years before he decided to enter politics. With financial backing and inherited wealth, a military reputation and a license to practice law, Matthew Clay announced his candidacy for election as one of Pittsylvania County's two members of the Virginia House of Delegates. His first attempt proved successful as he and Benjamin Lankford were elected in 1790. In winning the election, Clay defeated veteran Delegate William Dix, one of Pittsylvania's wealthiest and most revered citizens. Dix had been a captain in the county militia during the Revolutionary War and was a well-respected attorney.⁴³

As a former employee in the State Auditor's Office, Delegate Clay brought special talents to the Virginia General Assembly unusual for a freshman legislator. The legislative leaders promptly assigned him to serve on committees concerned with state revenues, taxes, public debt and auditing the State Treasurer's accounts.⁴⁴ Although

⁴³ Clement, Pittsylvania, pp.186, 197, 288.

⁴⁴ Journals of the House of Delegates of the Commonwealth of Virginia, (30 reels. Richmond: Thomas W. White Publishers, 1828. Microfilm. Newman Library. Hereafter

these were difficult assignments, they carried rewards which enhanced Matthew Clay's efforts to advance his county and constituents.

One of the most significant actions of his entire career was for him to play an important role in the long drawn out process of separating church and state that Thomas Jefferson had begun in 1779. Because the majority of people in Pittsylvania County did not belong to the Established Church's successor, the Episcopal Church, and probably because the Baptists, Presbyterians and Methodists themselves coveted the glebe⁴⁵ or its sales price, Clay joined his fellow Pittsylvanian Benjamin Lankford in submitting a bill to sell all unused glebes of the pre-Revolutionary Established Church. The proceeds should have gone to help Thomas Jefferson's dream of a state system of public education. The members of the General Assembly had other designs on the money. Many desired to divide the sum among the counties and to let the residents decide what was to be done with the capital. Pittsylvanians wanted to use it for poor relief, work houses and local education. Unfortunately, some of it ended up lining the purses of

cited as Journals), 1790, 5,43, 1791, 12-13, 1794, 15.

⁴⁵ The glebe was land purchased by and for the Church of England during Virginia's colonial period. The fact that public funds had often been used to secure this land appeared to many to be a violation of church and state.

local officials and private individuals. The bill failed to pass on November 19, 1790, and again on December 6, 1791. Finally, on December 8, 1792, after Matthew Clay cleverly included a provision which made any sale dependent on local option by the citizens in each parish of the Commonwealth, the bill passed the House of Delegates. However, the bill was not approved by both Houses until January of 1799. Not only was Clay's Glebe Bill important as a matter of principle, but it endeared him to preachers who helped shape public opinion. Another early legislative victory for Clay was his role in defeating a 1793 session proposed bill to authorize the Commonwealth to seize and sell land to satisfy debts to the state government. Pittsylvania and Halifax citizens were appalled by the proposed bill. Both Clay and Lankford declared their constituent's opposition and helped defeat the measure 53 to 73.⁴⁶

Throughout his service in the Virginia House of Delegates, Matthew Clay was active in seeking for his county internal improvements whose expenses would be shared by the county and the Commonwealth. He was in good company. More famous Virginians such as George Washington, George Mason

⁴⁶ Journals, 1790, 73, 1791, 106-107, 1792, 107, 177. See also Clement, Pittsylvania, p.202 and George Maclaren Brydon, Virginia's Mother Church and The Political Conditions Under Which It Grew, (2 vols. Philadelphia: Church Historical Society, 1952), II, 492-493, 499-502.

and Patrick Henry were also urging road, river and even canal projects. Clay's criteria for supporting internal improvements were that they should benefit a majority of the state's citizens and that at least half of the capital for a project be supplied by area residents. In his first term, he successfully petitioned the legislature for the establishment of a ferry across the Staunton River from Pittsylvania to Campbell Counties. He also urged the creation of other ferries on the Staunton and several across the Dan River. He was successful in obtaining the Assembly's establishment of an additional post road and the authority to impose taxes on county residents in order to hire postal riders to insure a faster and more reliable system for delivering local mails.⁴⁷

Waterways and riparian rights have been a subject of constant, although intermittent, concern under English common and statute law. As often as there has been a petition to impound or channel waterways there has been a petition to insure the unobstructed flow of rivers and streams. During his first term as a Delegate, Matthew Clay secured the passage of "An act for clearing [the] Roanoke river" for the purposes of improved navigation. He and fourteen other Delegates were empowered to collect tax money

⁴⁷ Journals, 1790, 8, 14, 127, 1792, 9, 45, 1793, 23, 1792, 12-13. See also Pittsylvania, p.198.

and to make contracts to clear the Roanoke and parts of the Dan and Banister Rivers of debris. To execute this authority on the Dan proved easier than on its tributary, the Banister, where county officials had authorized the construction of at least one dam in order to impound water to turn a gristmill. The miller's threat of litigation put Clay on the defensive.⁴⁸

On October 21, 1791 Matthew Clay presented a petition to the House of Delegates from the people of Pittsylvania and Halifax Counties which asked that all proprietors of mills on the Banister River be forced to either destroy their dams or construct a slope in the dam, or what nowadays is called a fish-ladder, to insure the unimpeded movement of fish up the river. Doing his duty, Delegate Clay presented on the following day, a constituent's petition in opposition to the one mentioned above. In November of 1791, a number of petitioners from Halifax County urged the General Assembly to appoint commissioners to receive subscriptions for opening and improving the navigation of the Banister. In a dilemma the House of Delegates appointed a commission to examine the controversy and to make recommendations. Besides Matthew Clay, the commission included Stephen Coleman and Robert Williams of Pittsylvania County, Thomas

⁴⁸ Journals, 1790, 127, Hening's Statutes, XIII, 193.

Watkins of Halifax County and eight other politicians and men of note. On the same day, the House also passed "An act for clearing Banister river" conditional on a favorable report by the commission. Not suprisingly, tensions over the Banister controversy rose with the passage of the House bill.⁴⁹

Immediately, David Clark of Halifax County rose from his seat and questioned the legitimacy of the petition that Clay had presented for the clearing of the Banister. The latter so sharply defended its authenticity that he seemed to have insulted Clark. The Delegate from Halifax at once lodged a formal protest against Clay. When on the next day Matthew Clay submitted a written apology to the House, it only temporarily calmed the tempest. On December 1, 1791, when the bills to appoint commissioners and to clear the Banister passed the Senate, David Clark's kinsman William Clark of Pittsylvania exhibited his anger to the people of Virginia. Delegate William Ronald of Powhatan County reported to the House that he had seen in a Richmond gazette and on hand bills a libelous article against Matthew Clay and signed by William Clark. In these the latter accused

⁴⁹ Halifax County citizens petitioned the General Assembly for a commission on November 7, 1791 and the legislature passed the commission's bill on November 23, 1791. See Journals, 1791, 8, 11, 20, 39, 74, Hening's Statutes, XIII, 275-276.

Clay of altering the original petition to clear the Banister for one mile and of submitting to the House of Delegates a petition to clear that river for four miles. A House investigating committee reported that, because the original petition was worn and contained grammatical errors, it had been copied and corrected by a secretary. Furthermore, the committee declared that Delegate Clay had neither been present when the secretary made the changes, nor had he reviewed the petition before he presented it. In a strongly-worded statement on December 6, 1791, the investigating committee reported its decision that "the said publication or libel, as charges the said Matthew Clay with misrepresenting facts, and committing forgery, is false, malicious and injurious to the said Matthew Clay, whose innocence of the charges in the said bill, fully appears to your committee, by the examinations of witnesses taken in presence of the Committee."⁵⁰

Not long afterwards, Matthew Clay sued William Clark in the New London District Court. Clark was found guilty of libel, but he noted an appeal and the matter was eventually dismissed. David and William Clark's actions were predictable. One or both of the men owned mills on the

⁵⁰ Early American Imprints lists William Clark's publication, but states that there are no copies available. Journals, 1791, 74, 78, 82, 100-101, 105. See also Hening's Statutes, XIII, 278-279.

Banister and Clay's alledged tampering with the original petition meant that the additional mileage included one or more of their mills. Thus the men would be been forced to either destroy their dams or fit them with slopes. In either case, large sums of money would have to be spent in order to comply with the law. Neither Clay nor his close associates had mills on the Banister River. The Clarks no doubt believed that Clay was carrying on a personal vendetta. The Banister controversy dragged on for several more years after 1791 until their compliance could no longer be postponed. In fact the Banister Act was not enforced for two more years because the commission's recommendations about the height and width of the slopes had not been incorporated into the 1791 law.⁵¹ The controversy insured that the 1792 election for the House of Delegates would be Clay's most difficult.

Although Benjamin Lankford had not taken so prominent a role in the arguement between the Dan River navigators and the Banister River millers, he decided not to seek reelection. Boldly Matthew Clay declared his candidacy for reelection. At once it was clear that he faced the combined fierce opposition of Thomas Tunstall, Stephen Coleman and

⁵¹ Stuart Family Papers, 1758-1881. Law Practice of Archibald Stuart, August 26, 1796. ViHi. MSS. See also Shepard's Continuation, I, 257-258.

William Clark. Tunstall was a successful planter, owning 590 acres. He was the son of Thomas Tunstall Sr., a vestryman and former clerk of the court. Coleman was a lieutenant in the county militia and the owner of an 800-acre estate which produced large numbers of hogs and cattle. William Clark was an influential leader in the Presbyterian church, and a large land and slave owner on the Banister River. Doubtless Clark's decision to seek Lankford's seat in 1792 arose from his desires to both serve the people of Pittsylvania County and to combat Clay. In doing so, he obviously hoped either to defeat Clay or, if both were elected, to lobby against him and his scheme to open the Banister for navigation. Although the election was close, Matthew Clay and Thomas Tunstall were elected and served until 1794, when Lieutenant Stephen Coleman replaced Thomas Tunstall. In the meanwhile, the Banister question was moot while delegates and senators argued the specifics of the act. Finally on December 4, 1793, discrepancies between the two houses were resolved; the removal of dams or the installation of slopes was ordered; a \$50 fine set for violators, and the act became law.⁵²

⁵² Clement, Pittsylvania, pp.125, 173, 198, 207, Alfred James Morrison, Halifax County, Virginia, (Richmond: The Everett Waddey Company, 1907), p.71. See also Land Tax Books. 1790. Pittsylvania County, Virginia. ViSL.; Accounts Current of Stephen Coleman. July 21, 1800. Book of Accounts Currents. Pittsylvania County, Virginia. #3,

Since he was a tobacco planter himself, Clay eagerly spoke for the establishment of more tobacco inspection warehouses on the Southside. Because state law required that tobacco be inspected for quality before it could be sold, it was extremely difficult and expensive for citizens of Pittsylvania to sell tobacco in Lynchburg or Petersburg. Pittsylvania and Halifax counties in Virginia, and Caswell and Rockingham counties in North Carolina, began in October of 1793 to petition the General Assembly for permission to establish a tobacco inspection depot and a town at Wynne's Falls on the Dan River. Wynne's Falls, named after William Wynne, an early settler of Brunswick county, became the site for Danville, Virginia. Area residents chose this location on the "mighty" Dan River because they believed it was in the "Heart of Tobaccoland." After local boosters secured property from John Barnett for this purpose, the General Assembly, on November 23, 1793, passed an act incorporating the town. It named as its trustees Matthew Clay, Thomas Tunstall and ten other men whom it instructed to draw up plans for a town, "by the name of Danville ... laid off into lots of half an acre each, with convenient streets." The establishment of Danville was Clay's crowning achievement as a member of the Virginia House of Delegates.⁵³

The emergence of national political parties in the mid-1790s was not a phenomenon restricted to the federal Congress; it quickly found its extension to local levels. Secretary of Treasurer Alexander Hamilton's financial measures were distrusted by Virginians. Although Thomas Jefferson and Hamilton had compromised in the celebrated Assumption-Capital agreement, grass-roots opposition was long dying. Many citizens in the Old Dominion feared and hated the centralized and monopolistic Bank of the United States. There was even a deep distrust in Hamilton the man---a representative of the wealthy, wise and well-born Northerner. These important national issues were local issues, too. Concerning Assumptions, Virginia legislators believed that the Old Dominion should not be saddled with the burden of helping other states pay off their part of the debt since Virginia had already extinguished a large percentage of her debt and many other states had not. In the House of Delegates Clay voted with the minority in favor of a strongly worded resolution which declared that, unless the United States Government revised its program to extinguish the national public debt, it would "alienate the affections of the good citizens of this Commonwealth from the government of the United States, will lessen their

⁵³ Clement, Pittsylvania, p.231. See also Journals, 1793, 9, 83, 113, Shepard's Continuation, I, 266-267.

confidence in its wisdom and justice, and finally tend to produce measures extremely unfavorable to the interest of the Union." Surprisingly, Clay's future Federalist opponent John Marshall voted for the amendment, too, while Patrick Henry opposed it. Clay and Marshall were so dejected that the amendment failed 47 to 88 that they voted with the minority against sending the original "soft" objection to the national government. Clay opposed while his colleague Tunstall supported ratification of the Jay Treaty. When Delegate Clay announced that he was skeptical that politicians might abandon impartial neutrality in favor of a pro-British policy, he gained popularity among most of his constituents.⁵⁴

After Matthew Clay completed his term in the House of Delegates in 1794, he returned home to Chestnut Level where he divided his time between his law practice and farming. He and his two sons Joseph and Matthew, Jr. began to purchase more slaves and livestock. In two years time, he increased his adult slaves from three to thirteen, his mules from seven to ten and his land from 1,296 to 1,574 acres.

⁵⁴ The bill to send the original resolution to the national government passed 75 to 52. Journals, 1790, 35-36, 1793, 31, Clement, Pittsylvania, 202. See also Joseph Charles, The Origins of the American Party System, (Williamsburg: The Institute of Early American History and Culture, 1956), pp.13-20, Malone, Jefferson, II, 292-295, and 299-303.

In order to travel more easily to Chatham and Halifax Courthouse, he purchased a chariot. Although it was his intention to devote himself to private business, Clay was forced to devote a considerable amount of time between 1794 and 1796 defending his actions while a legislator. Thomas Watkins, a Delegate from Halifax County during the period of the Banister controversy, followed William and David Clark's precedent of attacking Clay for his alleged tampering of the Banister petition. Conflicting testimony plus the previous House of Delegates' investigations resulted in Clay's acquittal. The grounds for believing Clay the victim of partisan malice were sufficient to cause his constituents soon to send him to Congress.⁵⁵

As a Delegate, Clay faithfully represented his constituents. The disestablishment of the Protestant Episcopal Church and the ensuing bill to sell its glebe lands were important issues to many citizens of the Old Dominion, especially the Baptists of Pittsylvania County who were the initial petitioners from the county. The Bill of Rights provided for the separation of church and state and religious freedom. No one church should be supported or preferred by the state. Clay's amendment in order to

⁵⁵ Personal Property Tax Books. 1795, 1796. Pittsylvania County, Virginia. ViSL.; Shepard's Continuation, II, 70-71. See also Stuart Family Papers, 1758-1881. Law Practice of Archbald Stuart, August 26, 1796. ViHi. MSS.

expedite the bill's passage in the House showed his resourcefulness and determination to represent the will of the majority of his county. Clay's amendment and vote also demonstrated his opposition to a state established church. No doubt he believed that it was a clear violation of the spirit of the Revolutionary ideals.⁵⁶ Clay's promotion of internal improvements was not, nor would it ever be, without qualification. Road, river and canal projects must benefit a majority of the state or nation. Neither should a government, state or national, foot the total bill, but it must be on a cost-sharing basis between the government and her people. These beliefs were ones that he carried with him to Congress. Throughout his years as a Delegate, Matthew Clay served on committees pertaining to the organization, training and financing of militia. His status as a veteran of the War of the Revolution, and his experience on militia committees in the Virginia General Assembly laid the basis for serving on national defense subcommittees as a Congressman. At all times the Pittsylvanian declared his faith in the militia to defend America. His frugal and cost-effective attitudes toward taxation and expenditures which he practiced in the House of Delegates followed him to Washington, too. Both of these

⁵⁶ Brydon, Virginia's Mother Church, II, 396-397.

were ingrained traits that he refused to change. His years as a Delegate had prepared Clay well for the Congressional years that lay ahead.

Chapter V

MATTHEW CLAY IN CONGRESS, 1797-1809

During the campaign of 1796, Matthew Clay worked hard to enlist support not only for Thomas Jefferson's presidential candidacy but also his own bid to represent the people of the Sixth Congressional District of Virginia, consisting of Campbell, Halifax and Pittsylvania counties, in the United States House of Representatives. Clay's opponent was the incumbent Congressman Isaac Coles of Pittsylvania County. The latter's nine years of service and his position as one of the largest land and slave owners in the district gave him great advantages. However, his quixotic voting record had lost him support among some his constituents. Although, like Partick Henry, Coles had taken the popular side of opposing ratification of the United States Constitution, he had spoken for the unpopular cause of abolishing slavery. Remarkably principled the voters considered these two substantive and high-issues less important than colorful side issues which lent themselves to charismatic and extravagant speeches. Although many politicians complained about such electioneering tactics, most were adept at using them. Even a statesman like James Madison utilized letters and inexpensive circulars to drum

up popular support, to denounce an opponent, or to beg forgiveness for not being able to visit with each of his constituents. In his 1807 Circular, Matthew Clay modestly claimed that he believed he was the inventor of the circular. Regardless of his dubious claim, the circular letter became an important means for representatives to inform their constituents and to voice their opinions on various national and international events. Because Southside Virginia consisted of "plain" and often uneducated folks, politicians found that they had to appeal to them in person from the "stump," employing elegant prose and an enthusiastic method of delivery. A really effective Southside politician could excite his audience to the point of yelling and screaming on his behalf. As election time approached, one could expect to hear a stump speech at any type of social gathering, even public executions.⁵⁷

Southside Virginia candidates were noted for digging up personal issues and employing them to appeal to the voters' emotions. In public Matthew Clay attacked neither Coles' record as a congressman nor his support of abolition.

⁵⁷ Clement, Pittsylvania, pp.201-202, Daniel P. Jordan, "Must I Cajole, Fawn, and Wheedle? Political Campaigning in the Era of the Virginia Dynasty." Virginia Cavalcade, XXXIII, (Autumn, 1983), 74-85. See also Matthew Clay Papers, 1785-1834. 1807 Circular of Matthew Clay, February 22, 1807. Mississippi Department of Archives and History, Jackson, Mississippi. MSS. Hereafter cited as MDAH.

Clay's attack was indirect. He castigated Coles for social and religious rather than political delinquency. He publicly denounced Coles for choosing as his wife not a beautiful Virginia girl, but a New Yorker whose religious denomination Clay said was "Church of England." Anti-British sentiment could still be whipped up in Virginia, and Clay's effective use of this red-herring was a major reason for his defeating Coles.⁵⁸

When Matthew Clay took his seat in Congress on May 15, 1797, he and his fellow Republican Representatives were outnumbered by the Federalists by the somewhat uncertain margin of 58 to 48. The Federalists had a firm control of the Senate, 20 to 12. While a Continental soldier and a member of the Virginia House of Delegates, Clay had been bold and assertive. As a freshman Congressman of the minority party, he was unawed but very reserved. He bided his time, learning the ropes and listening to his seniors before voicing his opinions. Although the 234 bills that were proposed during the Fifth Congress was the largest number until 1810-1811, Matthew Clay spoke only once during its sessions.⁵⁹

⁵⁸ Clement, Pittsylvania, pp.201-202. See also Robert Dawidoff, The Education of John Randolph, (New York: W.W. Norton, 1979), pp.34-44, 202.

⁵⁹ U.S. Department of Commerce: Bureau Of The Census, Historical Statistics of the United States, Colonial

Matthew Clay entered Congress during one of the most turbulent times in American history since the Revolution. The French, who were at war with half of Europe, had been pushed by the Anglo-American rapprochement represented by the Jay Treaty into a quasi-war with the United States in the Caribbean. Losses to United States shipping and commerce so inflamed public opinion in the United States that the ultra-Federalists were able to depict as unpatriotic any Republicans or moderate Federalists who desired a pacific settlement with France. Although James Madison, Albert Gallatin and a host of other Republicans complained that they desired an impartial neutrality, they had difficulty convincing even moderate Federalists that they were not French supporters. For the time being, ultra-Federalists masked their partiality for Great Britain and won over moderates to their argument that the Jay Treaty brought a lucrative trade which would have even richer except for unjustified French depredations.⁶⁰

French momentum, "loyalties" and the desire to humble their domestic rivals led Federalist ultras, such as Harrison Gray Otis of Massachusetts, Roger Griswold of

Times To 1970, (2 vols. Washington, D.C.: U.S. Government Printing Office, 1975. Hereafter cited as Statistics), II, 1082,1084; John C. Miller, The Federalist Era, (New York: Harper & Row, 1960), pp.210-231.

⁶⁰ Miller, Federalist Era, pp.213-216.

Connecticut and James A. Bayard of Delaware, to call for extraordinary measures to combat real or imaginary French threats, such as the possibility of an invasion of the United States of America. Defensive measures were the prime topics of debate during the Fifth Congress. The ultra-Federalist William Loughton Smith of Charleston, South Carolina, championed a defense plan going far beyond completing and manning the frigates United States, Constitution and Constellation and fortifying ports and harbors. He advocated the immediate use of the United States Navy to convoy American merchant vessels, and a stand-by authority to supplement the regular army by enlisting a Provisional or Extra Army of 20,000 men to serve during times of emergencies.⁶¹

Bills were soon enacted to organize and increase the army, build a navy and to counteract potential French subversion. The Republicans, led by Albert Gallatin of Pennsylvania and Virginians John Nicholas and William Branch Giles, opposed the large build-up of the military forces authorized by the Provisional Army Bill, and they especially

⁶¹ Norman J. Risjord, The Old Republicans: Southern Conservatism In The Age Of Jefferson, (New York: Columbia University Press, 1965. Hereafter cited as Risjord, Old Republicans), p.13. See also The Debates and Proceedings in The Congress of the United States, Also often cited as The Annals of Congress, (42 vols. Washington, D.C.: Gales and Seaton, 1834-1856. Hereafter cited as Annals), 5th Congress, 1st Session, 223-224.

resisted the hated Alien and Sedition Bills. Clay and other Republicans followed Gallatin's lead in declaring that the Provisional Army and the Additional Army Bills were expensive, unconstitutional and impractical. Because the United States faced an unprecedented deficit of over \$79 million in 1798, Gallatin declared that the country could not withstand an additional burden of \$24 million over a six-year period. John Nicholas reminded the gentlemen of the House that the Federal Constitution did not give the President authority to raise armies, and that standing armies in times of peace were unconstitutional. Along with other Republican leaders, Vice-President Thomas Jefferson was deeply concerned about the war spirit caused by the XYZ Affair which loomed very large in the halls of Congress. He feared that he may lose the support of loyal Republicans and other Virginians. Several Republican Congressmen joined the hawks, while others stole away from their seats in Congress and went home. On April 26, 1798, Jefferson fearfully wrote to James Madison that the Provisional Army Bill "would surely be rejected if our members were all here..." but "Giles, Clopton, Cabell and Nicholas have gone, and Clay goes to-morrow. He received here news of the death of his wife. Parker has completely gone over to the war party. In the state of things they [the Federalists] will carry what

they please."⁶²

As Jefferson's statement explained, Clay's reason for leaving was not that he had been drawn into league with the hawks, or that he was afraid to battle the Federalists, but that on May 25, 1798, his wife Mary Williams Clay had died in childbirth. Matthew Clay did not receive notice of her death until weeks later. Mary Clay's tombstone in Pittsylvania County not only recounted that she was much lamented by her husband, but it listed each of their children. So sorrowful was Matthew Clay at the death of his wife that he remained at home, away from Congress, from late April until the end of the Second Session of the Fifth Congress.⁶³

⁶² Thomas Jefferson to James Madison, April 26, 1798, in Lipscomb and Bergh, Writings of Jefferson, X, 31-33. See also Henry S. Randall, The Life of Thomas Jefferson, (3 vols. New York: Derby and Jackson, 1858), II, 387-388. In his work, Charles Ambler intentionally misquotes Jefferson by leaving out the part where Jefferson states Clay's departure was a result of his wife's death. Ambler did this in order to group Clay with those Congressmen who refused to vote against the Provisional Army Bill. See Charles Henry Ambler, Sectionalism In Virginia From 1776 To 1861, (New York: Russell and Russell, Inc., 1964. Hereafter cited as Ambler, Sectionalism), p.80.

⁶³ Clement, Pittsylvania, pp.202-203. Clement states that the Williams family was so upset that Matthew Clay had inscribed on the tombstone the fact that Mary died in childbirth that they attempted to destroy the tombstone with a carriage. A rock wall which once enclosed the Clay tombstones is all that remains of the Matthew Clay home.

In March of 1799, after Clay's return to Congress, he spoke briefly against the Federalist's insistence that the President be empowered to raise a large military force in addition to the regular army. Clay believed that the regular army and especially the militia of the several states could sufficiently protect the United States from aggression. Clay and Gallatin urged members not to vote for the Additional Army Bill since peace with France seemed within reach. Protesting that the best defense was a strong office, the Federalists won passage of both the Provisional Army Bill and the Additional Army Bill.⁶⁴

The Federalists' favorite project in the Fifth Congress was to create the United States Navy. In 1797, the federal government had spent only \$383,000 to commence the program. By the end of the Fifth Congress, naval appropriations for the two-year period totalled nine times that amount, or about \$2,858,000 for completing and manning three frigates and their on-shore supporting facilities and stores. The Federalists asked the House to provide a navy large enough to protect United States trading interests in the Caribbean,

⁶⁴ Manning J. Dauer, The Adams Federalists, (Baltimore: The John Hopkins Press, 1968. Hereafter cited as Dauer, Federalists), p.205. See also Annals, 5th Congress, 2nd Session, 1769, 3022, 3043. The Provisional Army Bill and The Additional Army Bill passed the House 51 to 40 and 54 to 41, respectively. See chart in the Appendices. Hereafter all votes recorded in the appendices will be notated with an asterick beside the footnote number.

Mediterranean as well as in the western Atlantic. Contending that protection was necessary only in United States home waters, Virginia Republicans declared that patrolling foreign ports would only get the United States involved in a war. Their argument was so persuasive that Federalists were forced to compromise with the Republicans by providing that a larger Navy could be used only "to defend the seacoast of the United States, and to repel any hostility to their vessels and commerce within their jurisdiction." On June 10, 1797, the Compromise Navy Bill, proposed by Samuel Sewall of Massachusetts, was backed by Clay and his fellow Virginia Republicans and passed the House 68 to 21. The final and ultimate goal of the Federalist naval program was the creation of a Department of the Navy. However, it encountered only slight opposition by Republicans who objected on the grounds of expense.^{65*}

An important part of the Federalist defense plan was the fortification of ports and harbors. As one might expect, Republicans contended that a modest \$50,000 would satisfy all realistic needs while the Federalists insisted that \$150,000 would be only a minimal start.

Fiscally-minded Albert Gallatin asked the Federalists in the

⁶⁵ Ibid, 5th Congress, 1st session, pp.226-227, 295-297. See also Statistics, II, 1115. On April 26, 1798, the Bill which created the Department of the Navy passed in the House by a comfortable margin of 42 to 27.

House, would the federal government or the several states foot the bill? A compromise was presented which allowed such debtor states as New York to receive credit toward their obligations to the federal government by fortifying their own harbors. Satisfied that they had reduced the expense to \$115,000 and thus improved a popular bill, Republican leaders called for a vote a June 16, 1797, four days after the bill had first been introduced. The compromise won over some Republicans from other states, but the Virginia Republicans, almost to a man, refused to support more than \$50,000 for the defense of ports and harbors. Despite this opposition by Clay and the Virginia Republicans the bill passed by a margin of 54 to 35.^{66*}

Matthew Clay voted against both the Ports Defense Bill, the Department of Navy Bill and the Additional Army Bill. Beyond doubt he did so because he believed that the money could be better spent in reducing the national debt and because he, a freshman Congressman, should be loyal to the Virginia Republican leadership. Although Clay was at Lavallee in Pittsylvania County during the debate and vote on the Alien and Sedition Laws, he would have, without a doubt, voted against both of them. The Republicans that were present complained that the laws were aimed primarily

⁶⁶ Annals, 5th Congress, 1st Session, 295, 315.

at the Republican Party in order to reduce immigrant support and silence Republican publications. The Sedition Bill met with fierce Republican resistance in the House and passed by only three votes. The Republicans declared that the Sedition Law was an unconstitutional infringement on the freedom of speech and press, and they vowed to continue to fight against it until it was defeated, or expired (which it did in 1801).⁶⁷

Although Matthew Clay had played an inconspicuous role in the eventful Fifth Congress, his experience gave him the basis for the confidence and determination which he displayed throughout the long career which lay ahead. His first term as a United States Representative formed a political mind-set that would carry him through many legislative battles still holding true to the "Principles of 1798" long after others began to desert the old Republican ideals.

The Sixth Congress, which began December 2, 1799, saw improved relations between the United States and France. As the furor of the undeclared naval war with France subsided, the Republicans were anxious to return the country to peacetime. However, the Republicans were still in the minority in both the House (64 to 42) and in the Senate (20

⁶⁷ Dauer, Federalists, pp.153-154, 159. See also Miller, Federalist Era, pp.229-231.

to 12). The quasi-war with France followed by the Adams administration's avoidance of all-out war had increased Federalist numbers by six in the House of Representatives, but the Republicans continued to dominate Virginia as only three Federalists were returned from Virginia. However, Virginia Federalist John Marshall, who was elected to the Sixth Congress, later emerged as the patriarch of Virginia Federalists. Matthew Clay began a tradition with the Sixth Congress that would be more or less consistent throughout his years in Congress--tardiness. In the First Session he was eight days late, and in the Second he was a week late. One result of his tardiness was the fact that he was appointed to only a very few of the major committees. He was a Southsider's Southsider, but he was not a Congressman's Congressman.⁶⁸

The detente between France and the United States did not mean that the Federalists would rush to resume normalizations with the French Republic. The commerce-minded Federalists knew that to be on amiable terms with Britain was the very best way to ensure their prosperity. Besides, the French fleet was bottled up in their harbors by the British Navy. Once again, the battle lines over diplomacy and ultimately, commerce were sharply

⁶⁸ Statistics, II, 1084, Miller, Federalist Era, 227. See also Ambler, Sectionalism, p.75.

drawn between the Republicans and the Federalists. Led by Joseph Nicholson of Pennsylvania and outspoken John Randolph of Roanoke, the Republicans urged the House to reestablish commerce with the French. From fear that American commerce with the French might offend the British, the Federalist majority countered Republican attempts with their own bill "to further suspend the commercial intercourse between the United States and France." Republicans Nathaniel Macon of North Carolina, Joseph Eggleston of Virginia and John Nicholas of Virginia were the most outspoken of the opponents. Perhaps the loudest of the proponents was Federalist John Marshall of Virginia. Surprisingly, Republican Albert Gallatin of Pennsylvania also supported the Federalist bill since its failure would mean that a consul with an annual salary of \$3,800 would have to be stationed in each of the French dependencies. It was generally thought that Gallatin was so great a "penny-pincher" that he would go to any lengths to save. On February 20, 1800, the bill passed the House of Representatives by a vote of 68 to 28.^{69*}

Because relations with France had greatly improved, the frugal Republicans also demanded a reduction of the Additional Army. Citing from official sources a \$1.13

⁶⁹ Miller, Federalist Era, p.227; Annals, 6th Congress, 1st Session, 530-533.

million outlay for civil expenditures and a \$7.64 million for defense, Joseph Nicholson declared that in 1799 the deficit exceeded \$5 million. He adamantly declared "I think the affairs of this country require a strict economy in their administration." The Republicans did not want to abolish the army, only to bring it down to a fiscally-manageable size by eliminating the Additional Army. With bland indifference Harrison G. Otis reminded his auditors that the great armies of Europe required a large American Army to protect American citizens. Republican Matthew Clay feared the Federalist's militaristic attitude. He wrote his friend James Monroe that he could not, "...for my life keep my eye from the War Office...nor can I keep out of my mind this conclusion- that some secret league has long existed between the Executive Departments." Seeing that the tide was turning against the Republicans, John Randolph shouted that it was evident that some Federalists wished to violate the "sacred" Constitution by maintaining a standing army in a time of peace. Randolph's description of the low caliber of recruits for the Extra Army was justified, but he referred to them as a "bunch of ragamuffins" in a way which could be construed as describing regulars as well. Republican Aaron Kitchell of New Jersey reprimanded Randolph. Although the erratic Virginian apologized for his

remark, he attacked the pusillanimity of Kitchell and his constituents. He bragged that the "gall" of the people in his own part of the country was excited by the Additional Army. Kitchell snapped back at Randolph by commenting that it was impossible for Randolph to share his constituents' emotions since he "himself has no gall." Regardless of such verbal sallies, the result was predictable; the Nicholas Amendment to repeal the July 1798 Additional Army Act was defeated 60 to 39. Randolph's comment about the Army led to an altercation between him and two young marine officers in a Philadelphia theatre. Relying on British Parliamentary precedent, Randolph demanded that Congress defend his immunity and punish the culprits. Almost ten days of legislative time was consumed before the House of Representatives agreed that Randolph had been shoved. When the legislators declined to punish the officers on the grounds of youthful indiscretion, Randolph was infuriated, especially since many Republicans voted against punishing the young men.^{70*}

⁷⁰ Annals, 6th Congress, 1st Session, 247, 316, 345, 506-507. The final question in the Randolph case was phrased in the negative. "This House believes that these young men should not be punished for a crime." The vote was in the affirmative, 56 to 42. See also Matthew Clay to James Monroe, January 21, 1801, in The James Monroe Papers, (Washington, D.C., 1974. Hereafter cited as DLC, Monroe Papers), Microfilm. DLC.

The Second Session of the Sixth Congress witnessed the final attempts by the Federalists to extend the much-despised Sedition Act. A majority of Americans were alarmed at the unfairness and partiality of the law. Respected Republicans, such as Matthew Lyon of Connecticut and John Cabell of Virginia, had been indicted for violating the Sedition Act. Throughout the Second and Third Sessions of the Fifth Congress both Republican and Federalist Representatives had presented constituent petitions for the repeal of the Sedition Act. The citizens of Clay's county of Pittsylvania had already petitioned the General Assembly of Virginia asking for a revocation of the Sedition Act. Congressman Matthew Clay, desperately wanted to nullify the Sedition Act, but he feared that it would be extended. As he explained in a letter to his confident Monroe; "there can be no doubt but, that obnoxious and unconstitutional [Sedition] act will be reviewed and continued." Armed with the support of public opinion, the Republicans were able to defeat on January 23, 1801, a measure calling for the extension of the Sedition Act by a count of 53 to 49.^{71*}

⁷¹ CVSP, IX, 37; Annals, 6th Congress, 2nd Session, 971. See also Matthew Clay to James Monroe, January 21, 1801, in DLC Monroe Papers, Dauer, Federalists, pp.153-164, 206.

The Federalists lost the Election of 1800 as a result of a series of blunders both in policy and impractical politics. High taxation, displeasure with the Additional Army, the repression of Fries Rebellion, the injustices of the Alien and Sedition Acts and most importantly the split within the Federalist party between Adams and Hamilton---all contributed to the debacle. As the Federalists realized that they were about to be pushed out of the Executive, they looked to the Judiciary Branch as their last bastion of hope in a Republican avalanche. From December 19, 1800 until January 12, 1801, the Federalists set about increasing the authority and numbers of the United States Judiciary. The Federalists even successfully reduced the power of the Virginia state courts by dividing the state into two judicial districts. The Republican minority could do little in the Lam Duck Session as the Federalists added twenty-three more judgeships (filled by Federalists) to the United States Judiciary. The Judiciary Act of 1801, along with its infamous "Midnight Appointees," passed the House by a close 51 to 43. The narrow margin, however, suggested that many of the Federalists did not approve of the idea of filling the Judiciary with Federalists in order to protect itself from possible political harm.^{72*}

⁷² See Dauer, Federalists, pp.246-59 for a detailed examination of the Federalist debacle in 1800. Miller,

The Presidential Election of 1800 ended in a tie of electoral votes between Republicans Thomas Jefferson of Virginia and Aaron Burr of New York. Both men received seventy-three votes while John Adams gathered sixty-five, Charles Cotesworth Pinckney obtained sixty-four and John Jay received one vote. The election was thrown into the House of Representatives, with each state having one vote. Matthew Clay and ten other Virginia Republicans openly supported Jefferson. In a letter to James Monroe, Clay stated that "on our [Virginia Republicans] part, we are prepared to stand to it [support of Jefferson] untill [sic] the fourth of March next-and from thence to the end of the Chapter." A dead-lock occurred in the House among the states. As the balloting continued, Clay kept his friend and fellow Virginia Republican, James Monroe informed until Jefferson finally emerged victorious after thirty- six ballots. The "Jacobin" Thomas Jefferson had been elected the third President of the United States. But there was more to the "Revolution of 1800." The Republicans were now the majority party in both Houses, sixty-nine to thirty-six in the House, and eighteen to thirteen in the Senate. Virginia elected only one Federalist, John Stratton of Accomack County. The revolution also seated Nathaniel Macon

in the Speaker's Chair and John Randolph as the Chairman of the influential Ways and Means Committee. Clay, who had arrived in Washington on the opening day, was appointed to the Committee of Revisal and Unfinished Business.⁷³

In the Seventh Congress, the Republican majority set out to right Federalist wrongs. The first victim of the Republican axe was the Judiciary Act of 1801. Ignoring the fact that a Federalist Congress had rightly claimed the power to create additional judgeships, James A. Bayard of Delaware argued for the Federalists that if the Act was repealed, the Judiciary would be subject to the whims of the Legislature. In a reversal of roles, the Federalists countered Republican arguments of expense by asking if it was not worth the price to preserve liberty? On March 2, 1802, Clay voted with the Republican majority in repealing the Judiciary Act of 1801 by a vote of 59 to 32.^{74*}

Jefferson urged the Congress both to repeal the excise taxes and to reduce the public debt significantly. The Republicans were eager to obey him on both counts. In the

⁷³ Charles Henry Ambler, Sectionalism, p.80; James L. Harrison, The Biographical Directory of the American Congress, 1789-1949, (Washington, D.C.: U.S. Government Printing Office, 1950. Hereafter cited as Harrison, Biographical Directory), p.987. See also Matthew Clay to James Monroe, February 11 and 17, 1801, in DLC, Monroe Papers.

⁷⁴ Annals, 7th Congress, 1st Session, 982. See also Malone, Jefferson, IV, 128.

name of fiscal prudence, the Federalists hoped to retain some internal taxes by the expedient demand that the removal of each tax be voted separately rather than a block repeal. This clash of wills was settled quickly on party lines, 61 to 24. To reduce the public debt, the Republicans proposed economies by reducing expenditures for the military and judiciary, by retaining impost and tonnage revenues and by selling public lands. Clay told his constituents that "we have every reason to hope a speedy extinguishment of the whole public debt, which is to me a most desirable object." As President Jefferson and Treasury Secretary Albert Gallatin desired, the House passed a measure to begin paying off the \$83 million public debt. With little-to-do- the Republicans ignored repetition of Alexander Hamilton's nostrums about the blessings to be found in a public debt. The bill to commence debt retirement passed on April 14, 1801, 55 to 19.^{75*}

Matthew Clay arrived two days late for the opening of the Second Session on December 6, 1802. The loss of his minor assignments to John Dawson of Virginia was neither a blow to Clay's pride or position. As the Session got underway, Federalists who had been appointed under the

⁷⁵ Annals, 7th Congress, 2nd Session, 1100; Statistics, II, 1119; Malone, Jefferson, IV, 100. 1806 Circular of Matthew Clay, April 18, 1806. MSS. MDAH.

Judiciary Act of 1801 submitted petitions for compensation for their lost judgeships. The Federalist spokesman, Roger Griswold of Connecticut, hoped to embarrass the administration. Admitting that it was constitutional to remove Judges for just causes, he insisted that the Republicans specify of what improprieties the judges had been guilty. As the Republican spokesman, Randolph was never in better form. Scornfully he cried: "when they ceased to be judges...what in Heaven, is their salary, or their office...?" Matthew Clay and his fellow Republicans voted 61 to 37 not to compensate the judges. The Republicans also attempted to remove those ultra-Federalist judges that had proven a threat to Republicanism. Through the use of flimsy and Republican-biased "evidence," the House impeached Federal District Judge John Pickering by a vote of 45 to 8. Pickering's alleged use of profanity in the courtroom, along with his touch of insanity and his Federalism in a Republican world were the "crimes" for which he was impeached and removed from office.^{76*}

The Eighth Congress, which began on December 17, 1803 and ended on March 3, 1805 was Matthew Clay's and Congress' busiest in the two terms of Jefferson's Administration. The nation had elected 102 Republicans as compared to only

⁷⁶ Annals, 7th Congress, 2nd Session, 428, 460. See also Malone, Jefferson, IV, 460-464.

thirty-nine Federalists to sit in the House of Representatives. Likewise, the Senate was also dominated by the Republicans, twenty-five to nine. Virginia not only sent four Federalists, but she also sent a new group of Republicans. These "new" Republicans and even several Old ones began to vote differently from Clay, Macon, Randolph, Gray and others who voted along the same lines as they had done in 1798.⁷⁷

The Jefferson administration's greatest accomplishment was the purchase of the Louisiana Territory. It is conventional to abbreviate the series of events which led to this successful conclusion and to consider only the role of the President and United States diplomats in its accomplishment. Admittedly, the role of the House of Representatives was limited, but it was nonetheless interesting and vital. On January 6, 1803, the House passed a resolution condemning the Spanish Intendent at New Orleans for threatening to close that port. Clay and most of the Republicans backed the resolution which passed by a two-to-one margin. Worried about Spain's retrocession of Louisiana to the French, they feared that the French would become dangerous neighbors who might deny United States citizens free use of the Mississippi. The House passed

⁷⁷ Statistics, II, 1084.

legislation authorizing the President to use whatever means was necessary and to spend up to two million dollars in order to secure United States' rights to free navigation of the Mississippi. The Louisiana Committee recommended that the President use the appropriations to purchase New Orleans and West Florida.

Although Jefferson, Randolph and Clay had constitutional qualms concerning the Louisiana Purchase, practically all Republicans favored implementing Monroe and Livingston's treaty by making the \$15 million appropriation. The people in Piedmont and Southside Virginia were excited about the Purchase since it coincided with an agricultural boom in Virginia. The acquisition of more land surely meant more profits! Jeffersonian pragmatism left no other choice than to turn a \$2 million deal for the purchase of New Orleans and West Florida into a \$15 million deal for a vast area of land that doubled the size of the United States. The House of Representatives passed the Treaty of Purchase by a tremendous 85 to 7. This great accomplishment enhanced the standing of Jeffersonian Republicans, but it caused a bitter fissure among the Federalists, some of whom wished to accept the concept of territorial expansion and others of whom feared that the new territories eventually would eclipse the original states. Over the murmurs of the

Federalist disgust, the people of Southside Virginia, just as most of their compatriots elsewhere in the Union, celebrated the Louisiana Purchase with speeches, toasts and great banquets.^{78*}

Between 1803 and 1805, Clay continued to retain Old Republican ideals as shown in his votes on the key issues. He regarded the Constitution as a sacred document, not to be casually changed to suit the whims of the times. He went so far as to be one of 42 out of 83 and the only Virginia Republican to vote "no" on the Twelveth Amendment which provided for separate electoral ballots for president and vice-president. Clay sided with John Randolph and against the votes of many Virginia Republicans when both men opposed spending federal money to construct public roads in Ohio. Clay probably found the measure expensive and advantageous to a select few individuals, as well as being unconstitutional. Other Republicans joined them to defeat the measure 72 to 54. Such bills proved to Clay that these "new" Republicans were a collection of spendthrifts and constitutional defilers. He longed for conservatism in government. Although he seldom debated the issues, he

⁷⁸ Annals, 8th Congress, 1st Session, 545. See also Ambler, Sectionalism, pp.80-81; Malone, Jefferson, IV, 338-339; Marshall Smelser, The Democratic Republic, (New York: Harper & Row, 1968. Hereafter cited as Smelser, Democratic Republic), p.91.

voiced his displeasure with his vote.^{79*}

It was the Yazoo Affair which precipitated what probably was the fiercest struggle between the Old and "new" Republicans and brought on the Randolph schism. The celebrated Yazoo Affair had dragged on for a decade, since four Yazoo land companies bought eleven million acres of Georgia's land claims on the Mississippi River for only \$250,000. The purchase had been made from a corrupt Georgia legislature, much to the chagrin of following reform legislatures which fruitlessly had attempted to rescind the sale. Heedless of Georgia's change of heart, the Yazooists had sold land to the unsuspecting all over America, especially in the north where the Georgia and Mississippi Land Companies sold eleven million acres of land to the New England Land Company for a handsome \$1,138,000. Stockholders included many wealthy Federalists, such as Congressman Robert Goodloe Harper, who along with other "public-spirited" men had petitioned Congress to intervene and redress their grievances as early as March of 1798⁸⁰

⁷⁹ Annals, 8th Congress, 1st Session, 683, 943.

⁸⁰ C. Peter Magrath, Yazoo: The Case of Fletcher v. Peck, (New York: W.W. Norton & Company, Inc., 1966), pp.5-6, 13-16.

Congress successfully evaded the issue from 1798 until 1800 when Republican Congressman Joseph B. Varnum of Massachusetts recommended a compromise. A Federal commission was to be established to review the claimants' petitions. When Randolph smelled the scent of compromise, he vowed to fight against a compromise until his political death. As the leader of the Anti-Yazooists in the House, Randolph could not believe that any end would justify his fellow Republicans and even President Jefferson in giving in to the corrupt politicians and land speculators. Matthew Clay was bitterly opposed to the very idea of compensating the claimants. Matthew Clay and most Virginia Republicans followed Randolph's lead in ignoring the wishes of the Republican majority and voted "no" on the Yazoo Bill. Despite Old Republican opposition, the bill passed the House on February 2, 1805 by a close margin of 63 to 58. Old Republicans, such as Matthew Clay, John Clopton and Edwin Gray sympathized with Randolph when he commented, "we are driven to vote by an inflexible majority [Federalists and Administration Republicans]." The Yazoo Bill proved to be a Pyrrhic victory for the Jefferson Administration since it further divided Republicans in and out of Congress as Old Republicans blocked actual settlement of the claims. Clay often conducted campaigns against dishonest politicians.

For example, in 1800 when corrupt politicians in the Mississippi Territory were attempting to reduce that territory's status in order to moderate the cost of land, Clay strongly denounced their use of forged signatures on a petition to Congress. Through the use of circulars, Clay urged that Mississippi be returned to a first-grade status (a step closer to statehood). In a letter from ninety-one year old Thomas Green, he praised Clay's efforts and said that he hoped that "there would always be a sufficient number of Champions for the cause of Liberty to counteract the Schemes of Despotism and oppression."⁸¹*

As a result of the Louisiana Purchase and the general prosperity of the nation, the Republicans in 1805 received a fresh mandate for control of the Executive mansion and in both Houses of Congress. The Republicans dominated the newly-elected House by 166 to 25, and in the Senate by 28 to 7. The entire Congress was plagued by problems of national defense. Coinciding with and confusing the defense problems was John Randolph's "official" departure and secession from the presidential and congressional leadership. Randolph, Edwin Gray and James Garnett, all from Virginia, declared

⁸¹ Annals, 6th Congress, 2nd Session, 685; Ibid, 8th Congress, 2nd Session, p.1100. See also C. Peter Magrath, Yazoo: The Case of Fletcher v. Peck, pp.5, 43-49; Thomas Green to Matthew Clay, December 22, 1800, in DLC, Jefferson Papers, Risjord, Old Republicans, pp.40-42.

that they were creating within the Republican Party an independent faction called the Tertium Quids or simply Quids. "Tertium Quid" refers to a "third something." The term had no exact definition in Early America. Neither was there one group of Quids. There were the New York and the Pennsylvania Quids, and the "Randolphites." Never did these groups combine to form a powerful third party. For Randolph, Quidism meant a departure from Jefferson and Madison Republicanism. Yet his break with Jefferson had no effect on the Quids in Pennsylvania or New York.⁸²

Randolph conducted vendetta against the Jefferson Administration and condemned "St. Thomas of Cantingbury" as an apostate whose abandonment of principle enabled him to compromise with spoilsmen on the Yazoo Affair and to try to bribe Napoleon to steal for the United States, East Florida from the Spanish. Randolph excused his own failure in the Chase Impeachment Trial by blaming Jefferson for its hasty determination before Randolph could outwit Chase's experienced defense lawyers in the Senate. Randolph claimed that his defection was virtuous, saying "I found I might co-operate...or be an honest man. I have therefore decided

⁸² Annals, 9th Congress, 1st Session, 984, Nobel E. Cunningham, Jr., "Who Were The Quids?" Mississippi Valley Historical Review, L, (1963-64), 252-263. Statistics, II, 1084. See also Risjord, Old Republicans, pp.40-67.

to oppose, and will oppose [the Republican majority]...." Unlike Randolph, Clay did not vote with the Quids as a vendetta against Jefferson the man. As Clay wrote to his constituents not long after Randolph's departure, "I have heard many complaints against the present executive, none of which, in my opinion, deserves notice...." However, he voted with the Quids as a reaction against Jefferson's presidential and congressional policies. Jefferson's failure to always adhere to the "Principles of 1798," and Randolph's allegiance to the Old School often forced Clay into the awkward position of voting with the Quids, for which he was often labeled as one of "The Minority." Yet Clay resented the creation of a "third party," and blasted Randolph and others who formed the schism. He saw the "Randolphites" as a group which might often support the "Principles of '98, but also a divide out for their own personal gains. Clay did not always agree with Presidents Jefferson and Madison, but that was a vital feature of republican government-to debate or vote for one's belief on the floor of the House, not to openly break with the party simply because of a disagreement in policy. As he stated in his April 16, 1806 Circular, "when they [Randolphites] use the term, they mean it as a go-between to both parties, as a token of admission; not because their object is political happiness, but to

receive the favor and caresses of both parties." As a "third party," Clay believed that they were trying to shirk their responsibilities as legislators by "shrink[ing] from a manly support of our [Republican Party] course, and screen[ing] themselves under the protean garb of moderation."⁸³

Clay's relationship to Randolph and the Quids was a precarious one. He often voted along the same conservative lines, such as opposition to the semi-nationalistic tendencies of Jefferson and Madison, large standing armies and a deep hatred for extravagant spending, public debt and offensive war. However, Matthew Clay often strongly disagreed with Randolph. For example, while the latter was protesting the United States' attempt to bribe Napoleon, and urging the public release of all Congressional discussions of it, the former believed that Congress was justified in the attempt to gain Spanish East Florida and that the affair should be kept secret so as not to jeopardize the negotiations. The effort and cool-headedness of Jefferson

⁸³ 1806 Circular of Matthew Clay, April 18, 1806. MSS. MDAH. Dawidoff, The Education of John Randolph, pp.28, 38, Risjord, Old Republicans, p.17. See also Daniel P. Jordan, Political Leadership in Jefferson's Virginia, (Charlottesville: University Press of Virginia, 1983), p.61, Ambler, Sectionalism, pp.86-88. For more detail concerning the fissure between Jefferson and Randolph see William Cabell Bruce, John Randolph of Roanoke, (2 vols. New York: G.P. Putnam's Sons, 1922), I, 222-285, Cunningham, "Who Were The Quids?" 252-263.

and those who supported him in the endeavor were praised by Thomas Ritchie and the Enquirer for keeping peace with both Britain and Spain. Clay never accepted Randolph as leader of the Old Republicans. The two men did not carry on any type of regular correspondence. Matthew Clay, Nathaniel Macon, and Virginians John Taylor of Caroline County and Wilson Cary Nicholas never considered themselves to be an opponent of Jefferson. Matter-of-fact, Clay often professed that he was a loyal Jeffersonian. He just did not always agree with the gentleman from Albemarle County.⁸⁴

The depredations by the British and French Navies upon American commerce left the Republicans, Old and "new," few choices in seeking to provide for the safety of both American vessels and sailors on the high seas. Many Americans sailors were being impressed into Great Britain's Royal Navy. The Republicans did not quibble over renovating the army, navy or the militia unless the monetary figure was completely out of hand, or the numbers of men and vessels were outrageously high.

⁸⁴ Saunders, Alabama, pp.88, 273, 276, 1806 Circular of Matthew Clay, April 18, 1806. MSS. MDAH. Dawidoff, The Education of John Randolph, p.30, Albert Gallatin to Doctor Jones, April 26, 1806, ViHi. MSS. See also Charles Henry Ambler, Thomas Ritchie: A Study in Virginia Politics, (Richmond: Bell Book & Stationery Company, Inc., 1913. Hereafter cited as Ambler, Thomas Ritchie), p.34.

President Jefferson, in his State of the Union Message in 1805, urged Congress to reorganize the militia, fortify ports and harbors and to construct not more than fifty gunboats and six frigates. Over the opposition of Clay, Macon and other Old Republicans to the expense, the Ports Bill passed the House by 76 to 24. The Gunboat bill was scuttled as not even worthy of later debate. Clay joined with the "new" Republicans in support of the Militia Reorganization bill. He had always had faith in the militia to defend America, and besides, it was a very frugal means of national defense. However, the Administration's bill to increase the regular army to 10,000 men brought back fearful memories of the Federalists' violation of economy, the Constitution and "Principles of '98." Clay, Randolph, Gray and other Old Republicans, along with Federalists and even several Administration Republicans voted "nay." However, their opposition was insufficient as the bill passed the House by 95 to 16 on April 7, 1808.^{85*}

On December 17, 1806, President Jefferson reminded Congress that the Constitutional ban on forbidding the importation of African slaves would end in 1808. Therefore he asked for a federal law to prohibit the importation of

⁸⁵ Annals, 9th Congress, 1st Session, 842, 1021. The Frigate bill failed to pass the House by a vote of 72 to 34. Risjord, Old Republicans, pp.84-85.

slaves into the United States after December 31, 1807. The details of the bill inflamed sectional tempers in the House. In supporting the slave-holding states, Randolph said that "if ever the time of disunion between the States should arrive, the line of severance would be between the slaveholding and the non-slaveholding...." The southern representatives pushed for an amendment which made it only a high misdemeanor rather than a felony if convicted, while the northern Congressman argued that forfeiture of illegally-obtained slaves was a necessity for the bill to pass. On December 23, 1806 the sections compromised, and the former passed 63 to 53, while the latter was approved 63 to 36. Matthew Clay did not agree with fellow Southsider Randolph. Like Jefferson, he held slaves and also like Jefferson, he opposed the importation of slaves into the United States. Clay was one of the few Virginians who voted against the amendment to change the original bill from a felony to high misdemeanor for violators of the law. On February 26, 1807, the bill passed the House and on January 1, 1808, the bill became law.^{86*}

The Republicans, following the advice of Jefferson, were willing to economically coerce the British into granting freedom of the seas and ending their impressment of

⁸⁶ Annals, 9th Congress, 1st Session, 167, 171, 200-243, 477, 626. See also Smelser, Democratic Republic, p.62.

American sailors. On January 29, 1806, Andrew Gregg of Pennsylvania proposed a non-importation resolution which halted all British imports into the United States. He stated that something, short of war, had to be done to rescue American maritime rights. Randolph then opened up a barrage of verbal fire on Gregg. Randolph saw Gregg as a representative or puppet of Secretary of State James Madison, whom Randolph detested. The Republicans were convinced that it was a step in the right direction, but they also believed that it was too harsh. Therefore, the House promptly rejected the Gregg Resolution for a resolution introduced by Joseph Nicholson of Pennsylvania which allowed certain items such as nails, paper and window glass to be imported into the country from Great Britain. Randolph opposed this resolution just as he had opposed the Gregg Resolution. However, Clay and most of the Republicans favored this form of economic coercion. It economically damaged the British economy without causing too much hardship for American consumers. Writing in its favor, Clay stated that "it [the Nicholson Resolution] will most sensibly affect her [Britain's] interest, and is the lesser evil of the two, (meaning war as the other) and only alternative." The Nicholson Resolution passed the House by

a tremendous 87 to 37.^{87*}

Although Clay had supported internal improvements as a member of the Virginia House of Delegates, he voted "no" for the Jefferson Administration's Cumberland Road project. There are many possibilities for Clay's opposition to the project. He agreed with Jefferson that the road was unconstitutional, but unlike Jefferson, Clay refused to compromise his opinions for the sake of the project. Because \$30,000 of Federal money was initially proposed for the project and the amount continued to escalate, Clay could have opposed the Cumberland project due to its extraordinary expense. Clay's river improvements in Virginia had benefited all of the state, but he may have believed that the road would not have aided the entire nation, only a select few of landowners and towns along the route from Cumberland, Maryland to the Ohio River. Regardless of his opposition and the opposition of a majority of Virginia Republicans, the Cumberland Road project passed the House by 66 to 55^{88*}

⁸⁷ Annals, 9th Congress, 1st Session, 451. See also Malone, Jefferson, V, 105-107, 1806 Circular of Matthew Clay, April 18, 1807, Bruce, John Randolph of Roanoke, pp.237-247.

⁸⁸ Annals, 9th Congress, 1st Session, 550-560. Malone, Jefferson, V, 550-560.

While at home during the recess of the Ninth Congress, tragedy once again entered the life of Matthew Clay. His second wife, Ann Saunders Clay died at the young age of twenty-two on July 10, 1806. The cause of death was not recorded, but the Virginia Argus stated that her husband deeply mourned her death.⁸⁹

The Tenth Congress, which began on October 26, 1807, was full of surprises. Nathaniel Macon, who knew that as a Quid there was no way that he would be re-elected to the Speakership of the House, was intentionally tardy from opening day ceremonies. He was replaced by Republican Joseph B. Varnum of Massachusetts. Quid John Randolph of Roanoke was replaced as Chairman of the influential Ways and Means Committee by George W. Campbell of Tennessee. Although the Republican majority was weeding out the Quids from committee responsibilities, Matthew Clay was made chairman of a committee to reorganize the militia, and he was also chosen as a member of the Committee of Elections. The Administration Republicans must have either considered Clay one of their own, or too complacent to offer substantial resistance. His appointment as chairman of the militia committee forced Clay into an unusual position—that

⁸⁹ Virginia Argus(Richmond). July 19, 1806. ViHi. MSS, Lynchburg Star. July 24, 1806. ViHi. MSS. The Lynchburg Star incorrectly stated that Ann Saunders Clay died at the age of twenty-three, she was actually twenty-two.

of speaking at length in defense of his committee's proposals.

It was during this Congress that the Presidential Election of 1808 took place. The Southsiders, Clay and Randolph, both supported James Monroe for the Republican nomination, but for different reasons. Randolph refused to support the hated James Madison and looked to Monroe as an alternative. In a letter to Monroe, Randolph stated that "they [Quids and Old Republicans] are moreover, determined not to have a Yazoo President...nor one who has mixed in the intrigues...at Washington." Editor Thomas Ritchie and the Enquirer backed Madison, fearing that Monroe would become a pawn in John Randolph and the Quid's hands. Monroe had a large, organized and popular following around the Old Dominion who did not look to Randolph for support. Most of those who urged Monroe's nomination in 1808 were not Quids. For example, John Taylor of Caroline refused to ally himself with Randolph's "third party," yet openly advocated Monroe's nomination. Like Randolph, Clay had taken the popular side in opposing the Yazoo claims, but unlike the former, the latter's primary reasons for supporting Monroe were the deep friendship between the two and the confidence that Clay had in Monroe's loyalty to Old Republican principles. After Madison picked up 83 of the 94 caucus votes in Congress to

Monroe's three, Clay realized that for the present all was lost. He refused to sign a Randolph and Quid-sponsored address published in the National (Washington) Intelligencer which stated that Madison was "unfit for the office of President."⁹⁰ While Randolph frantically continued to orchestrate a Monroe nomination, Clay, as did many of Monroe's friends, quietly advised the latter not to run since it would only splinter the Republican Party. The Pittsylvanian somberly wrote to Monroe and told him that he believed this "is the best policy for the public good, and your future prospects- If then a friend may be permitted to advise, put a stop to the contest."⁹¹

⁹⁰ Norman Risjord states in The Old Republicans that Matthew Clay signed the Address. However, closer examination of the newspaper reveals that he mistakingly confused Matthew Clay of Virginia with Joseph Clay of Pennsylvania. See The National Intelligencer and Washington Advertiser, (Washington, , D.C.), March 7, 1808. Microfilm. Newman Library, and Risjord, Old Republicans, p.91.

⁹¹ John Randolph to James Monroe, September 16, 1806, in The Writings of James Monroe, ed., by Stanislaus Murray Hamilton, (9 vols. New York: AMS Press, 1900, reprint edition, 1969), IV, 486-488, Matthew Clay to James Monroe, February 29, 1808, DLC, Monroe Papers, Henry Ammon, "James Monroe and the Election of 1808 in Virginia," William and Mary Quarterly, Third Series, XX (1963), 33-56. See also Ambler, Sectionalism, pp.88-89, Ambler, Thomas Ritchie, pp.46-47, Cunningham, "Who Were The Quids?" 252-263.

The duty on salt brought a verbal sally from the normally subdued Matthew Clay. Salt was vital to all farmers, including his constituents in Pittsylvania, Halifax and Campbell Counties, and Clay claimed that the whole country was opposed to the tax. It was an "article so dear that it took the profit of the yearly labor of one prime hand to purchase only a bushel." Newly elected Ways and Means Chairman Campbell and new Speaker Varnum wished to keep the duty. Clay stated that Campbell was so inconsiderate of farmers that he "must live near a salt marsh. There stock do not need any salt." While defending the repeal proposal, Clay took the opportunity to defend Old Republican and former Speaker Macon. He told Varnum that "you know, and every member knows that your chair is not filled with the best talents in the House." Clay continued, by asserting that "there are men, who are not so vociferous, who are better qualified than these who speak so much." Clay's eloquent and factual arguments led to the repeal of the salt duty by 78 to 15.⁹²

The Tenth Congress, which was still dominated by the Republicans, found the diplomatic relations between the United States, Britain, and France, strained almost to the point of war. Britain continued to harass American shipping

⁹² Annals, 10th Congress, 1st Session, 1208-1213.

and to seize American sailors for service in the British Navy. In early 1807, the American vessel Chesapeake was fired upon by the British schooner Leopard off the coast of Virginia. This single incident nearly drove the United States and Great Britain to war. President Jefferson did not agitate for war, stating that that was the duty of Congress. Congress knew that something had to be done to halt British and French aggression but it was divided on the procedure for curtailing the atrocities. Since the "Doves" were still in control of the House, most Congressmen, including the Old Republicans, wanted to strengthen the "peaceful coercion," such as non-importation or embargo, while also preparing militarily in the event that coercion proved fruitless.⁹³

The Non-Importation Act was having only limited success. American skippers were circumventing or outright disobeying the measure. Therefore, the desired effect of damaging the British economically and thereby forcing them to end their dastardly naval policies proved to be only a slight annoyance to the British Government. Following President Jefferson's advice of "an embargo is preferable to war," the Republicans in the House of Representatives passed a Senate bill which laid an embargo on all ships regardless

⁹³ Reginald Horsman, The Causes of The War of 1812, (New York: A.S. Barnes & Company, Inc., 1962), pp.102-103.

of the merchandise on board. Supported by Old and "new" Republicans, the Embargo bill passed the House on December 22, 1807 by almost a two-to-one margin. Clay saw the embargo as a more efficient means to coerce the British, but John Randolph viewed it as an offensive move against Britain. He said that the bill would only provoke the British to declare war on the United States. Randolph could have also opposed the measure since it was highly supported by Jefferson. Matter-of-fact, he stated in the House that he had no reason to support the Embargo simply because the President believed in it, "he [Jefferson] is no political friend of mine." Clay, along with Nathaniel Macon and James Garnett of Virginia voted "no" on an amendment to the Embargo bill which was to allow fisherman special considerations by authorizing them to circumvent the embargo. Clay refused to allow special privileges to a select group, just as he had voted "no" for the Cumberland Road project since he believed that the road allowed special considerations for those who lived along its route. The amendment passed the House by 73 to 22.^{94*}

⁹⁴ Annals, 10th Congress, 1st Session, 1216, 1271, 1272, 2704. The Embargo bill passed the House by 82 to 44. Risjord states that Clay abstained from voting. Closer examination reveals that Clay did, in deed, vote for the Embargo Bill, while Randolph did not. Risjord, Old Republicans, p.83. See also Malone, Jefferson, V, 485-486, and Smelser, Democratic Republic, p.147.

Throughout the Tenth Congress anti-embargo petitions continued to flood the Congress. The opponents of the embargo wanted to turn to some sort of a non-intercourse agreement. The Non-Intercourse bill supported by most "new" Republicans allowed American trade with all countries except the belligerents, and it also provided that no goods from either Britain or France could be imported into the United States. Clay and Macon voted "no" on the Non-Intercourse bill since both men believed that more time should be given to the Embargo Act before it was scrubbed and replaced by the Non-Intercourse Bill. Randolph voted against the bill simply because he did not like the principle of the bill. In other words, Randolph voted "no" on the bill just to be in opposition to the Republican majority. John Dawson of Virginia, another Old Republican, joined Clay, Macon and Randolph in demurring the measure, but the bill was approved by the House 81 to 40.^{95*}

Matthew Clay and Old Republican Abram Trigg of Virginia voted against a bill to construct fifty gunboats not because it was an offensive weapon, but because the "new" Republicans wanted to spend extravagantly on the project. However, in the Second Session of the Tenth Congress, Clay supported Jefferson's gunboats after the amount of

⁹⁵ Annals, 10th Congress, 1st Session, 1541.

allocation of the project had been reduced to a more modest amount. Clay also opposed the increase of the Marine Corps. This was another example of wasteful spending on the part of the "new" Republicans.^{96*}

Matthew Clay believed that the nation could be efficiently defended by a reorganization of the militia and a moderate increase in the regular army. Both were measures that he actively supported in the Tenth Congress, just as he had upheld them as a freshman Congressman. Since Clay had great faith in the militia, he was delighted to be the chairman of a committee to restructure and provide greater efficiency of the militia. He successfully engineered through the House a bill which provided limited funds to arm the militias of the several states. But it was his comprehensive reorganization of the militia which caused the normally mute and restrained Matthew Clay to erupt into voluminous passages on the floor of the House of Representatives.^{97*}

On January 22, 1808, Matthew Clay presented his "pet" bill to the House. The measure was officially termed the "Bill for the Reorganization of the Militia." The bill made

⁹⁶ Annals, 10th Congress, 2nd Session, 1171, 1191.

⁹⁷ Annals, 10th Congress, 1st Session, 1472. Clay's "Funding Bill for the Reorganization of the Militia" passed the House 72 to 55.

it mandatory for all young men between the ages of twenty-one to twenty-six to serve as a member of a junior militia, and all men from twenty-seven to forty-five to serve as a regular militiaman. The bill also stated that active service could not be greater than one year. By placing age limits and restricting the length of active service, only the fittest would serve and no man would be away from his farm for long periods. Both were major problems in the Revolutionary War.

In defense of his bill, Matthew Clay revealed his beliefs concerning the militia, defense, standing armies and Congressmen as servants of the people. In rebuttal to the statement that twenty-one was too young to be called to fight, Clay said that he was not without feeling, and "the fact is I have two sons that will be twenty-one, and I love them as much as any man can, and perhaps can say what few can." Clay went on to state "my sons know that they must fight to keep what I have secured for them. The first property I gave each of them was a gun."⁹⁸

Clay saw the militia as the first and the last line for the defense of American liberties. Regardless of all the naval preparations, unless the militia was purged of the "old" men who ran when they faced the British in the

⁹⁸ Annals, 10th Congress, 1st Session, 1482.

Revolutionary War, the same problem will exist "when the red-coats come now." As an experienced officer in the military, Clay knew that the age of twenty-one was an excellent age to teach the art of soldiering. Clay said that a father should not be afraid to allow his sons to defend this sacred soil. It is better to fight with the arms of republicanism than "...with the stars and garters, the baubles of court."⁹⁹

Speaker Joseph B. Varnum, Henry Southard of New Jersey, Josiah Quincy of Massachusetts and James Kelly of Pennsylvania loudly opposed the reorganization of the militia. Varnum said it was not necessary since an additional army could always be raised and stationed near trouble spots. Clay quickly reminded Varnum of the unconstitutionality of standing armies unless an overt act of war has been committed. Kelly foolishly commented that the bill was immoral since young men were called to fight. Clay snapped at Kelly asking him if young men had less morality than the old? Many groundless and ridiculous arguments were leveled at Clay, even the belief that the young would be corrupted by the older men in camp. It was obvious that they were attacking Matthew Clay the "renegade" Republican, not the Militia bill. Yet the bill symbolized

⁹⁹ Annals, 10th Congress, 1st Session, 1478-1481.

Clay the politician, and more importantly, Clay the republican. The Annals of Congress report that "he [Clay] felt like a parent who is like to lose an only child." The bill, in many respects, was Matthew Clay's life. He spoke for nearly an hour, defending the bill with all his being.

It is a great project; and although not affluent of speech, yet I am willing to be tested by my votes and actions, from the year 1776, the time I commenced my political career, to the present day; and I defy any man to say that I ever gave other than a republican vote, or did any other than a republican act while as a public man. I know the word "republican" is with some a hackneyed word; but I mean the true elective principles of Republican Government.¹⁰⁰

Although Clay lost the battle, as the Militia bill was voted down 55 to 49, he defended republicanism as he viewed it. Republicanism was not a word to be used carelessly. To this veteran of the War of the American Revolution it signified a band of idealistic citizen soldiers. Republicanism must be defended by all men and in all places-be it the field of honor or the halls of Congress. Republicanism was a holy cause, deserving to win against tyranny and against the life of princely court; but it was a cause which required eternal vigilance to preserve.¹⁰¹

¹⁰⁰ Annals, 10th Congress, 1st Session, 1479.

¹⁰¹ Annals, 10th Congress, 1st Session, 1479-1481.

Matthew Clay usually asserted the ideals of the Old School Republicans quietly through the use of his vote. He was opposed to lengthy debates since he believed that most men just demonstrated their ignorance before thier peers. He may have respected Randolph's frequent support of the ideals of 1798 Republicanism, but Clay detested Randolph's long orations. Early in the Tenth Congress, Clay stated "that he had rather have one good vote to fifty bad speeches." He often commented that this was "the most windy place he ever knew," since people had to speak at great lenghts on every issue "and the evil seems to be catching."¹⁰² The Congressional years 1797 to 1809 had seen Clay go from one of Republican minority to one of "The Minority" within the Republican Party. Yet Clay never compromised himself in order to fit in with Administation Republicans. He preferred to remain a member of Old School Republicanism and vote conservatively as he had in 1798. Clay did not feel compelled to formally ally himself with the "Randolphites," instead he chose to vote as he had done before the "Revolution of 1800," regardless of who might be voting alongside of him. It was the Old Republicans that had emphasized conservatism and frugality in government. It was the Old Republicans who insisted that military

¹⁰² Annals, 10th Congress, 1st Session, 902, 1212.

appropriations be limited to those which were defensive and cost-efficient. For example, Jefferson's gunboats and the militia were defensive and frugal means of protecting America. The ports and harbor defenses and the frigates were not ideals of 1798 Republicanism. The Old Republicans were strict interpreters of the Constitution as Clay proved with his "no" votes of the Twelfth Amendment and the Cumberland Road bill. The Old Republicans scorned the "new" Republicans because they were pragmatists, spendthrifts and violaters of the United States Consitution. It would be safe to say that Matthew Clay in 1809 wanted to turn back the political clock to the year 1798---a time when a little band of Republicans joined together to fight the Federalist menace. Matthew Clay was willing to risk personal insults and political defeat for the sake of Old Republican conservatism.

Chapter VI

MATTHEW CLAY'S FINAL YEARS IN CONGRESS, 1810-1815

Too often President Madison has received almost exclusive blame for overoptimism at the outset of his administration in dealing with the vexing problem of Anglo-American relations. His negotiation of an agreement with the new British minister David Erskine attempted a compromise of the issues of impressment, neutral rights and the Rule of 1756 concerning neutral trade. To give proof of his sincerity, the President in June of 1811 invoked his power granted in March by the Non-Intercourse Act and issued a proclamation authorizing the resumption of trade with Great Britain. He was, of course, unknowing that the British cabinet would decline to ratify the Erskine Agreement. Rarely do historians point out that Congress was equally as sanguine as the Chief Executive.¹⁰³

As the Eleventh Congress got underway on May 22, 1809, there was a lull in the war with France and Great Britain. When British Minister Erskine promised that Britain would revoke her Orders in Council on June 9, 1809, President Madison announced that the United States would resume normal trade relations with Great Britain the following day.

¹⁰³ Smelser, Democratic Republic, pp.192-199.

Congressman Edward St. Loe Livermore of Massachusetts spoke for an enthusiastic House of Representatives when he introduced a bill to suspend the Non-Intercourse Act which would coincide with Britain's revocation of her Orders in Council. When Britain did not live up to her Minister's word, a shame-faced Congress was forced to continue the Non-Intercourse policy by a vote of 72 to 15. Old Republicans John Randolph and Matthew Clay, who had initially voted against the act, refused to vote.^{104*}

From the beginning Matthew Clay had feared the Non-Intercourse Act was almost impossible to enforce. The government could not control the destination of American ships once they left United States' harbors. Because the Madison Administration desperately needed some sort of American policy to insure American naval rights, Nathaniel Macon proposed what became known as Macon Bill Number One in December of 1809 for its true author, Treasury Secretary Albert Gallatin. The bill proposed repealing the Non-Intercourse Act of 1809, prohibiting French and British ships in American ports and allowing French and British goods to enter the United States but only in American ships. Such Congressmen as Lemuel Sawyer of North Carolina condemned the bill as being too weak, saying that his

¹⁰⁴ Annals, 11th Congress, 1st Session, 451. See also Smelser, pp.192-194.

constituents "were tired of this mockery of resistance of these commercial restrictions...." Matthew Clay undoubtedly spoke for most Southern Congressmen when he voiced the fear that Britain might retaliate by refusing to import tobacco or cotton. With a number of other Congressmen, he declared that the adoption of an embargo, not half-way measures, was the only way to force Britain into conciliation. The bill lost several supporters when Georgia's George M. Troop proposed an unsuccessful amendment to authorize the President to issue letters of marque and reprisal if American ships were seized by the belligerents. In spite of this diversion, Macon's Bill Number One passed the House on January 29, 1810 by 73 to 52.^{105*} The United States Senate did not welcome Macon's Bill Number One and so amended it so that Macon's Bill Number One evolved into Macon's Bill Number Two. Besides repealing the Non-Intercourse Act, the Macon Act invited Britain and France to compete for America's trade when it promised to open American commerce to whichever belligerent first revoked or modified its edicts. The bill would then exclude the other belligerent from American markets unless the latter revoked its edicts. Many Old Republicans, including Clay and Macon, refused to

¹⁰⁵ Smelser, Democratic Republic, pp. 196-197. Annals, 11th Congress, 1st Session, 74-75, 457, 2nd Session, 754-755, 1160, 1328-1329, 1354.

support the bill, while several Administration Republicans remained silent when the roll was called. Nonetheless, the measure carried in the House of Representatives 61 to 40 on April 19, 1810.^{106*}

Matthew Clay refused to support these measures for several reasons. He viewed them as vague, weak and unenforceable. He believed that they tarnished American honor as much as did Britain's and France's depredations. He complained to his constituents that these were ineffective to defend America's merchant marine and honor because they failed "to carry terror to the very heart of the enemy. I would to God that we could affect the...very vitals [of their economy]." Clay preferred Jefferson's Embargo which he believed hurt English manufacturing and fostered American industry. His main objection to the Macon Bills was the possibility that Britain would refuse to import American agricultural commodities and thus contribute to diminishing the prices of those commodities on neutral markets. Clay urged his fellow Virginia Republican John George Jackson and others not to be too bellicose. The Pittsylvanian reminded them that when in 1798 the majority had been ready for war, the minority had tempered the war spirit and kept peace. He admonished them that likewise in

¹⁰⁶ Annals 11th Congress, 2nd Session, 1763, 1916-1919, Smelser, Democratic Republic, pp.196-197.

1810 "it is therefore better to wait and see the way clear; and take a view of the ground before we act...." He wrote his constituents that "policy and management, and not war, are the weapons for the United States---yet [he warned] there is a point beyond which a nation cannot go, without a sacrifice of national independence." In January of 1811 as relations between the United States and Great Britain continued to worsen, Clay and a large majority of Republicans were able to vote for "policy over war." The amendment to Macon's Bill Number Two banned the importation of all goods on any ship into the United States, yet it would be lawful for goods to be exported to Britain on American ships. Macon's Bill now represented to Clay the embodiment of a perfect economic coercive measure. The United States could damage British manufacturing while continuing to export American goods to Europe. Randolph criticized the amendment as "totally imbecile...[and] altogether inadequate as to coerce [the belligerents]." The Federalists also joined Randolph. In his 1810 Circular Letter to his Constituents, Matthew Clay condemned the "Randolphites" and the Federalists for their blind opposition, saying they were merely "politicians in the grumbletonian school--- [who find] it was easier to find fault, than to do right." Enough Old Republicans joined

administration Republicans to pass the bill 64 to 12.^{107*}

Despite the drift toward war during the years 1809 to 1811, the Eleventh Congress reduced army and navy appropriations. When Secretary of the Treasury Gallatin suggested to Congress streamlining the budget and reducing the public debt, his budget request of \$3,000,000 for use by both the United States Army and Navy in 1810, was in fact a reduction. Many administration Republicans, including Clay, Randolph, Macon and John Dawson of Virginia, whole-heartedly supported the plan. Because a small, fiscally-manageable military had been one of the primary ideals of the "School of '98," Nathaniel Macon was extreme in his support of Gallatin's plan. He even suggested that the dissolution of the entire army was justifiable because "the state of that Army is enough to make any man wish to get rid of it." Old Republicans, including Clay, had no qualms about reducing the regular army, but it was the reduction of the navy which they most eagerly wanted to comply. Clay voted with Randolph, Macon and the Virginia Federalist Jacob Swoope for an amendment to reduce the number of frigates, seamen and marines in service. These amendments failed to win approval because even the economy-minded administration Republicans

¹⁰⁷ 1810 Circular of Matthew Clay, April 20, 1810. MDAH. Annals, 11th Congress, 3rd Session, 547-551, 863-865, 1094-1095. Smelser, Democratic Republic, p.197.

considered such reductions excessive. Clay was content to vote with the majority for an amendment which delegated to the President the decision about how many ships and seamen were needed and to remove the remainder from service.

Although many Republicans resisted any reduction of the armed forces in such troubled times, the amendment passed the House by a vote of 61 to 38. Matthew Clay, who initially had opposed but later supported Jefferson's gunboats policy, now voted with Randolph, Macon and the Federalists to reduce the number and hence the reliance on such craft. Their amendment failed, 73 to 53.^{108*}

During the Eleventh Congress, Matthew Clay again was placed on the committee to reorganize and fund the militia. Since he had had wartime experience in the field and a decade of service on similar House committees, his colleagues highly respected his opinions on the militia and armies. His committee drew up a bill to equip and train 100,000 militiamen. During debate Clay engaged in a lengthy and acrimonious controversy with Congressman Roger Nelson of Maryland over militia pay in peacetime. The Virginian insisted that for the federal government to furnish muskets,

¹⁰⁸ Irving Brant, James Madison, (6 vols. New York: The Bobbs-Merrill Company, Inc., 1956. Hereafter cited as Brant, Madison), V, 124-125, Annals, 11th Congress, 1st Session, 392-393, 2nd Session, 1863-1879, 1977-1982, 1989.

ammunition and rations for the days of militia drills was sufficient. Nelson derided Clay's observations and demanded a regular salary for militiamen. Republican David Garland of Virginia offered a compromise, which was accepted 40 to 35, that militiamen be paid while training. In debate the Federalist Samuel W. Dana of Connecticut mildly proposed that improved muskets be issued to old militiamen, not just new recruits. Losing his temper, Clay accused Dana of trying to kill the bill with exorbitant expenses since there already was a law arming the veteran militia. In denouncing Dana, he remarked that "if some gentlemen would think more and talk less, it would be a great economy of time, and an advantage to the public business." Dana's motion failed 67 to 38. On May 20, 1810, the final militia reorganization bill passed 47 to 20 with little or no change.^{109*}

If the members of The House of Representatives in 1810-1811 were guilty of exaggerated posturing on the subject of a frugal defense, they were doubtedly so on that concerning banking and finance. On April 7, 1810, a petition for a bill to recharter the Bank of the United States was presented to the House. John Taylor of South Carolina argued that the bank was "necessary and proper" as provided in the United States Constitution. It was no

¹⁰⁹ Annals, 11th Congress, 2nd Session, 1471-1478, 1571-1590.

secret that Secretary of the Treasury Gallatin favored such a move. President Madison was silent. Amid divided counsel, the opponents of the Bank carried the day. William A. Burwell of Virginia used Madison's constitutional and pragmatic arguments of 1791 against Congress giving a charter to the bank. Nowhere in the Constitution was there specific authority to establish a national bank. Because foreigners could own bank stock, they profited at the expense of United States citizens. Because a bank sold its own capital stock, it took capital out of general circulation, lent it to favored customers for speculation and thus drove up prices of necessities. Clay agreed with Burwell stating that he conceived it to be "my duty ... to preserve inviolate a constitution, which I had so often sworn to support." After a lengthy debate, the House on January 21, 1811 voted 65 to 64 to postpone rechartering indefinitely, thereby killing the bank bill.^{110*}

Throughout the war between England and Napoleonic France, Matthew Clay had hoped that the United States could use economic coercion to force the British to recognize America's neutral maritime rights. He enthusiastically supported Jefferson's Embargo, yet he resisted the

¹¹⁰ 1811 Circular of Matthew Clay, March 3, 1811. MDAH. Annals, 11th Congress, 2nd Session, 1762-1763, 1804, 3rd Session, 488-490, 580-595, 673-374.

Non-Intercourse Acts and Macon's Bills until the latter had been sufficiently strengthened. With the beginning of the Twelfth Congress on November 4, 1811, however, Matthew Clay was less hopeful of a pacific solution. He gave hints of his reversal in opinion in his 1811 Circular by stating that "peace is a most desirable thing; it would open a vast field for the sale of our surplus produce,... [however], ...I fear we shall not have it shortly; because it is so much more the interest of the belligerents to carry on this quasi war...[and] to depredate on neutral commerce." In voting for war measures, Matthew Clay abandoned Old Republican ideals that he had held true since his first year in Congress. He suddenly found himself voting against Old Republicans, such as Edwin Gray, John Randolph and Nathaniel Macon.¹¹¹

Bernard Mayo in his biography of Henry Clay appropriately labeled Matthew Clay as "zealously cautious." Matthew Clay never opposed war if he believed that it was justified and that all recourses for peace had been exhausted. For example, after the Chesapeake incident in June of 1807, he declared that the United States had every right to declare war on Britain whose attack had been premeditated and ruthless. He was so infuriated with the

¹¹¹ 1811 Circular of Matthew Clay, March 3, 1811. MDAH.

British because of their "cowardly and unwarranted attack on the Flag of the United States" that he sought Jefferson's assistance in an attempt to secure an appointment to the vacant position as brigadier general of the Virginia militia. In defending the Embargo in his 1809 Circular, he was unconsciously prophetic of the differing sectional attitudes of 1812 when he cautioned his constituents that the United States should not declare war unless "...it be by the whole people, as one man in defence of their injured and violated rights."¹¹²

In the Twelfth Congress, Matthew Clay continued his policy of cautious zeal. War had not been an issue in Virginia in the election of 1810 and most conservative Old Republicans and Jeffersonians were returned without opposition. It was for multiple reasons that Matthew Clay supported increased military appropriations. He was

¹¹² Although Clay was stated to be a "man of high standing and a considerable debater in the Legislature," he lost the position to Captain Joseph Martin of southwest Virginia. See Matthew Clay to Governor William Cabell, September 1, 1807. Executive Papers of Governor William Cabell. Photocopy in the possession of Robert Young Clay, Richmond, Virginia. MSS.; 1809 Circular of Matthew Clay, February 27, 1809. Early American Imprints (Massachusetts Historical Society), Microform. Newman Library.; Matthew Clay to Thomas Jefferson, September 19, 1807, in DLC, Jefferson Papers, VMHB, (1900), IV, 117-118. See also Bernard Mayo, Henry Clay: Spokesman of the New West, (New York: Houghton Mifflin Company, 1937, Reprint edition by Archon Books, 1966. Hereafter cited as Mayo, Henry Clay), p.407.

disgusted with British policies. He may have hoped to frighten Britain into conciliation. He was a tired man, tired of stale arguments. Like so many other conservative Congressmen, he was impressed by the ability and energy of the such newly elected Congressmen as Henry Clay of Kentucky, and the South Carolinians William Lowndes, Langdon Cheves and John C. Calhoun.¹¹³

How much Henry Clay influenced his first cousin Matthew is moot. The two were very close friends. Years before, just after Henry received his license to practice law and considered going to Kentucky, Matthew had given the younger man money to outfit himself for the move west. The latter never forgot the older man's generosity. Years later when Henry was introduced to Joseph Clay, Matthew's grandson, the Kentuckian said "I do not know what condition the young man is in, but as long as I have a dollar, I am willing to divide with him, for his grandfather was the first man who ever did me a great favor." Henry Clay often acted as Matthew's agent in paying land taxes in Kentucky for Matthew, and the latter often researched law suits for his cousin. The former also comforted his cousin after Mary Clay's tragic death.¹¹⁴ An oratorical master, Henry Clay had

¹¹³ Risjord, Old Republicans, pp.121-124.

¹¹⁴ See details below.

previously served as United States Senator from Kentucky. In 1811, he was elected to the United States House of Representatives. When the House organized itself, it was a surprise that his colleagues elected him Speaker of the House. Not only did they compliment Henry Clay the man, but they also acknowledged the growing importance of the "new west" and the mood of the Twelfth Congress. That some gentlemen of the House were shocked to learn that it was not Matthew Clay who had been elected suggests that Matthew was a prime mover in securing Henry's election as Speaker.¹¹⁵

The majority of the members in the House moved cautiously toward war. On December 6, 1811, President Madison, in his State of the Union speech, urged Congress to increase the military and naval establishments. The Volunteer Corps part of Madison's rearming plan passed the House by a comfortable 87 to 23 over the objections of Federalists and several Republicans who believed that it was too expensive and placed too much power in Madison's hands. Clay ignored the cost and supported the bill. Surprisingly, he also joined War Hawk Peter Porter of New York in supporting a Provisional Army bill which provided 20,000 troops for the possible invasion of Canada. His vote on

¹¹⁵ Saunders, Alabama, p.281, Hopkins, Henry Clay Papers, I, 3, 33, 81, 192, 233, 283-284. See also Mayo, Henry Clay, pp. 94-95, 403.

this measure provides the best evidence of Clay's conversion because he had opposed a similar measure in 1798. Not only did the Provisional Army bill fail, but the House also defeated, in a close vote, a bill from Matthew Clay's committee to reorganize, arm and equip the militia. Opponents countered cost-effective arguments by stating that the militia were not as reliable as a regular army and they objected to the categorization of the militia. However, Clay got his reprieve in late February of 1812 when the House agreed 67 to 51 to arm the militia of the several states. Clay voted "yea" along with War Hawks Cheves and Lowndes. Recognizing this as a defensive move, Randolph and Macon also backed the bill.^{116*}

On December 31, 1811, a Senate bill to raise an additional military force of 25,000 regulars was presented to the House. Virginia Federalist Daniel Sheffey of Wytheville accused Speaker Henry Clay of being a War Hawk and not trying peaceful means to solve America's differences with Great Britain. Matthew did not speak on his cousin Henry's behalf. He did not have to do so because of the acclaim Henry won when he replied emphatically to Sheffey's

¹¹⁶ The Provisional Army Bill failed passage in the House by 49 to 58. The original bill to reorganize and rearm the militia failed to be approved by the close vote of 58 to 55. See Annals, 12th Congress, 1st Session, 414, 1007-1029, 1058-1069, 1084-1085.

question, "What are we to gain by war?" "What are we not to lose by peace?-commerce, character, [and] a nation's best treasure---honor!" Matthew Clay voted with the majority, unlike Randolph, Macon and many other Old Republicans and Federalists. The bill passed 94 to 34. As chairman of the Naval Committee, Langdon Cheves sparked a furious and lengthy debate with its bill to strengthen that source. In a great oration, Cheves acknowledged the terrible nature of war, but insisted that the government must protect its citizens. Republican Adam Seybert of Pennsylvania complained of long-term costs but to no avail. Matthew Clay usually had supported modest naval appropriations during his Congressional career. He viewed the navy as a means of protecting American honor and voted with the majority to spend \$480,000 to repair and refit vessels although many Old and administration Republicans either voted "no" or abstained. When it came to the question of building new frigates, however, Matthew Clay sympathized with the opposition which complained of exorbitant costs, but he abstained from voting. Presumably he did so in order to cast no doubt on his support of a strong, but limited navy to assist the army in case of war. The majority in the House agreed with the opposition and defeated the bill 62 to

59.^{117*}

At the same time that the Army and Naval Committees reported bills, the Ways and Means Committee presented a detailed list of taxes to defray the costs of rearming the nation. Reluctantly, the Republicans began to debate and vote on the tax package. The normally frugal Matthew Clay once again deserted his Old Republican principles. He voted for increased duties on imported spirits, sugar, and merchandise, and greater tonnage duties while Old Republicans Randolph, Gray and Federalists like James Breckenridge of Fincastle, Virginia and Josiah Quincy of Massachusetts voted "nay." The proposal to levy 20 cents per bushel on imported salt brought strong criticism from Matthew Clay. Just as earlier in his Congressional career, the Pittsylvanian denounced it as unfair to America's farmers and especially those of the "middle country." Strangely enough Clay, the owner of a salt mine in Tennessee, advocated that there should be one common and light 10 cent tax upon both foreign and domestic salt instead of only a 20 cent tax on foreign tax. Other Congressmen were not so self-sacrificing and his amendment was buried 96 to 22. The opposition offered by eleven

¹¹⁷ The bill to rearm and refit already constructed frigates passed the House by 90 to 23. See Annals, 12th Congress, 1st Session, 553-556, 804-805, 823-824, 938-939, 995.

Virginia Republicans, including Clay and Randolph, sufficiently aided in the defeat of the salt tax measure by a vote of 66 to 54. Along with most Virginia Republicans, Clay supported the overall tax package and it was approved 56 to 34.^{118*}

Interesting and important as was Matthew Clay's official and social life in Washington, he was in 1811 the vicarious victim of one of the greatest tragedies in early Virginia history. On December 27, 1811, a crowd of approximately 600 people filled the Richmond Theatre to attend a new play, "The Father, or Family Feuds," and a new after-piece entitled "Raymond and Agnes, or The Bleeding Nun." Suddenly the festive Christmas holiday season was destroyed as a stageboy accidentally set a piece of stage scenery on fire. At first the audience was led to believe it was part of the performance, but soon a voice yelled, "the house is on fire!" Because there was not even a ceiling between the scenery and the pine pitched roof, the theatre went up like kindling. Panic engulfed the audience. Amidst cries for help and shrieks of horror and agony, of those who were trapped, many leapt from windows --- some to live, and others to die of a broken neck. Many were trampled to death, but most of the victims died of smoke

¹¹⁸ Risjord, Old Republicans, pp.137-137. See also Annals, 12th Congress, 1st Session, 1111-1114, 1147-1149.

inhalation before being consumed by fire. Of the 600 theatre-goers, approximately seventy-one lost their lives. Listed among the dead were Governor George Smith of Virginia, former Senator and Bank of Virginia President Abram Venable, and Matthew Clay's sixteen-year-old daughter Mary.¹¹⁹

Mary Clay had attended the performance with her fiancée (name unknown) and Lucy Gwathmey and Sally Gatewood. A by-stander reported that the last time anyone saw Mary, "she was standing at a window, with her arm resting in that of her lover, waiting for a rescue which never came." Mary's death compounded Matthew Clay's grief. He had already lost daughter Sarah "Sally" Clay Smith in May of 1811. It was little comfort to Matthew when a friend in Richmond wrote him that "your sweet Mary with her companions ...passed together ...into a happier world." Matthew Clay was torn with grief. His kinsman and friend Henry Clay consoled him as best he could. Desirous of burying his daughter with her mother and sister in the family vault, Matthew Clay asked a

¹¹⁹ Arthur Hornblow, A History Of The American Theatre In America: From Its Beginnings To The Present Time, (2 vols. New York: Benjamin Blom, 1919, reprint edition 1965), I, 281-282. See also William Asbury Christian, Richmond: Her Past And Present, (Richmond: L.H. Jenkins, 1912. Hereafter cited as Christian, Richmond), pp.76-81, The Virginia Argus, (Richmond, Virginia), January 16, 1812. Photocopy in the possession of Robert Young Clay.

Richmond friend to determine if Mary was wearing jewelry which might aid in identifying her body. There proved to be no way to identify Mary's or anyone else's body. All were interred together. Generous donations made possible the employment of the architect Robert Mills to design and build a memorial monument and church on the site. On December 30, 1811, the Congress of the United States unanimously agreed to wear black armbands for one month in memory of those who died in the fire.¹²⁰

By April 1, 1812 some conservative Congressmen realized that the United States was headed for war and that it was too late to withdraw support of the Madison Administration without being condemned as advocating peace at any price. Clay, who had already been voting with the War Hawks, continued to support the war effort. President Madison asked the Congress for a sixty-day embargo to allow the United States time to prepare for war and hopefully to damage the British economy at the same time. Matthew Clay voted for the embargo not because he feared the crack of the

¹²⁰ Henry Clay to Henry J. Randall, December 28, 1811, in Hopkins, Henry Clay Papers, I, 601-602, The National Intelligencer and Washington Advertiser, (Washington, D.C.), June 27, 1808 and December 27 and 31, 1811, Christian, Richmond, pp.76-81. Sarah "Sally" Clay married Thomas L. Smith of Louisa County on June 16, 1808. See Marriage Books. June 16, 1808, Pittsylvania County, Virginia. p.45, Saunders Alabama, p.278. Annals, 12th Congress, 1st Session, 588-589.

War Hawk whip, but as a genuine hope that something could be done to halt the human and material destruction of war. On April 1, 1812, the embargo passed the House in secrecy by the vote of 70 to 41. As the session neared its end, the War Hawks called for an indefinite postponement of the First Session until the question of war or peace had been decided. Many Virginia Federalists such as Sheffey and Joseph Lewis Jr., along with Randolph and Gray, voted against it. But Clay and a majority of the Virginia Republicans voted "yea." On April 25, 1812, the motion passed by 62 to 55 in a vote revealing the large sense of uncertainty surrounding the United States' future involvement in war. Clay, no doubt, was still in hopes that something would happen to avoid a declared war.^{121*}

Finally on June 3, 1812, John C. Calhoun of South Carolina presented Secretary of State James Monroe's draft for a declaration of war against Great Britain. It was at this point that Matthew Clay declined to give the Madison Administration a blank check. He was silent during the vote on amendments leading to the declaration of war. That bill's managers set June 4, 1812, for the final vote on declaring war. Seventy-nine supported the declaration of

¹²¹ Annals, 12th Congress, 1st Session, 1341-1342, 1587-1614. See also Risjord, Old Republicans, 137-142, Brant, Madison, V, 460-469, Smelser, Democratic Republic, 214-216.

war while forty-nine opposed it. Unable to make up his mind, Matthew Clay abstained.^{122*}

He may have believed that the United States was not prepared for war either militarily or administratively. He probably wished that the nation would persevere in its economic coercion in order to establish America's neutral rights. As every schoolboy knows, peaceful coercion finally forced Great Britain to withdraw her most obnoxious Orders in Council but it was too late to prevent a declaration of war. Clay's refusal to vote for war may have been an adherence to what Federalist Samuel Taggart called the "scarecrow party." This group opposed going to war, and hoped that a military build-up might scare Britain into making peace with the United States. Clay desperately wanted peace; and, if that meant showing Britain that the Americans would pay for a large army and navy, so be it. He himself had seen the destructive nature of war and wanted to avert it if at all possible. He also realized that war would significantly reduce American exports. However, as he revealed in later speeches, he was definitely not opposed to war, nor did he object to using the military might provided for during the First Session of the Twelfth Congress. As he stated in Congress in Jaunary of 1813, "It is a righteous

¹²² Annals, 12th Congress, 1st Session, 1632-1637. See also Brant, Madison, V, 472-473.

war into which I go with hand and heart." But in 1812 for reasons he never made clear, Matthew Clay vacillated on the question of war and abstained from voting. His uncertainties of 1812 haunted him the following year and the rest of his life.¹²³

Once the young nation was officially at war with Britain, Matthew Clay openly supported the administration's efforts to prosecute the war, although, as he explained on the floor of the House, "we may differ about the mode, but that is all." On November 21, 1812, a bill was presented to provide better pay for noncommissioned officers and privates. John Randolph immediately objected, claiming that he was one of the last to hold true to 1798 Republicanism. He then pointed his accusations toward Matthew Clay and other Old Republicans who had been infected with the war spirit. Disregarding Randolph, Clay voted to increase soldier's pay, saying that he would not abandon men who fought for American honor. Although such remaining Old Republicans as Randolph and Macon, and Federalists John

¹²³ Annals, 12th Congress, 1st Session, 1598, Brant, Madison, V, 470-483, Smelser, Democratic Republic, pp.214-216, Risjord Old Republicans, pp.142-145. See also Norman Risjord, "1812: Conservatives, War Hawks, And The Nation's Honor" in The War Of 1812: Past Justifications and Present Interpretations, ed., by George Rogers Taylor (Lexington, Massachusetts: D.C. Heath And Company, 1963. Hereafter cited as Risjord, "1812: Conservatives"), pp. 101-112.

Davenport of Connecticut and Joseph Lewis refused to support the measure, it passed 64 to 37. Matthew Clay had been pushed to unconscionable limits by men who opposed war measures after the war had begun. Disgusted, but refraining from vituperation, Matthew Clay contented himself by stating that "whether the war be a bad one or good one, you must unite and get out of it." It must be admitted that he refused to support a Senate bill providing funds to build ten additional frigates at a cost of \$2.5 million largely because they could not be completed soon enough to effect the outcome of the war. It was impractical to try to match the "mistress of the seas" ship for ship:

As to coping with them at sea, we cannot do it. We can annoy them, but not meet them on the open sea. I would meet them and hurt them, however, where we can.^{124*}

How serious the War Hawks were in their talk about seizing Canada and to what extent this war aim influenced the United States in 1812 have long been subjects of dispute. Since at best (or worst) Matthew Clay was only a peripheral War Hawk, his views on the Canadian question have dubious value. Indeed, there is a Delphic quality to his observation that Congress should not waste money on more frigates since it would be easier to defeat the British on

¹²⁴ Clay's resistance was insufficient as the bill was approved 70 to 56. See Annals, 12th Congress, 2nd Session, 183-193, 404, 449-450, 481-490, 498.

land and seize Halifax, Quebec and Montreal. Repeated attempts to successfully invade Canada fared badly and short-term militia enlistment proved so ineffective in offensive campaigns that in January of 1813 administration spokesmen in the House introduced the Additional Military Bill which authorized enlisting 20,000 men for twelve months. The proponents claimed that a force of this size could quickly seize Montreal and other vital areas for the United States. Federalists Jonathan O. Moseley of Connecticut and Thomas R. Gold of New York led a two-headed opposition to the bill. The former claimed that it was too expensive; the latter alleged that 50,000 was required for such an objective. Clay supported an invasion of Canada, opposed the bill in its present form and disagreed with both Moseley and Gold. This was not as ridiculous as it might seem. Indeed, events proved him right in saying that it would not be a short campaign, that increased numbers did not guarantee victory and in wartime, cost was of minor import. His major reason for objection to the bill was its continuous reliance on short term enlistment which Clay stated "is the greatest misfortune that can befall a nation at war." As an old soldier, Clay praised the benefits of seasoning, drilling and training troops before they were sent into the field. Complaining that the Congress had

learned little from the Revolutionary War, he declared that, because "an army is a mere machine, and you must give time for its perfection," only long enlistments could defend the United States, much less secure Canada.¹²⁵

At this point Matthew Clay's former friend and fellow Old Republican Nathaniel Macon introduced an amendment to the Additional Military Bill which would stipulate five-year enlistments. Clay supported Macon's amendment even though he realized that five years was too long a term. When Macon's resolution was defeated, Clay reiterated his opposition to the bill as originally proposed but made it clear that "I do not wish it understood, sir, if I vote against the bill, that I am opposed to the war. No, Sir!" Notwithstanding his opposition to the short enlistments, Clay enthusiastically approved of the invasion of Canada, especially the capture of the port city of Halifax, Nova Scotia.

It is absurd to suppose that we shall not succeed in our enterprise against the enemy's province [Canada]. We have the Canadas as much under our command as she has the ocean; and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or anywhere else; but I would take the whole continent from

¹²⁵ J.C.A. Stagg, Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830, (Princeton, New Jersey: Princeton University Press, 1983), pp.227-234, 246-253, Annals, 12th Congress, 2nd Session, 481-490. See also Smelser, Democratic Republic, pp.226-230.

them, and ask them no favors....We must take the continent from them. I wish never to see peace till we do. God has given us the power and the means; we are to blame if we do not use them. **If** we get continent, she must allow us the freedom of the sea.¹²⁶

Regardless of Clay's opposition, the Additional Military Force Bill passed by 77 to 42 in January of 1813. This debate and vote was Clay's last in Washington.^{127*}

Matthew Clay was defeated in his bid for reelection in 1813 to the Thirteenth Congress. Undoubtedly, one cause of his defeat was the unpopularity of his failure to vote for war among his constituents in Pittsylvania, Halifax and Campbell counties. They were sufficiently moved by nationalism to give active support to the war effort and send many of their sons into the army. At the same time that Matthew Clay was defeated for reelection, so was John Randolph. The voters of Southside Virginia were simply unable to distinguish between Clay's abstention and Randolph's opposition to the bill to declare war. Both men acted from conscience; both had good reasons for his action. After the declaration, it is not unfair to say that Clay supported and that Randolph did not support the war effort.¹²⁸

¹²⁶ Annals, 12th Congress, 2nd Session, 497-498.

¹²⁷ Annals, 12th Congress, 2nd Session, 843.

¹²⁸ Risjord, . Old Republicans, p.151. See also Clement,

There was another cause for Clay's failure to win reelection which was local, nasty and had little to do with large, national issues. This was a protracted, bitter intrafamily lawsuit between 1799 and 1813. Not only were most of the citizens of Pittsylvania and Halifax informed as to the details, but many served as witnesses.

Prior to 1799 Sarah Williams, mother of Mary Williams Clay and widow of Joseph Williams, borrowed L39 from Matthew Clay on the condition that she allowed the family slave Garland to serve as collateral. Garland was recognized as a very intelligent and courteous mulatto slave boy who was prized by residents of both Pittsylvania and Halifax. After the passage of a year, Clay had become very attached to the young man. After Sarah Williams had paid off the principle and Garland's labor had exhausted the accrued interest, she sought Garland's return. Matthew Clay refused to surrender the slave, claiming that the loan had not been fully paid. By June 17, 1800, the Court of Chancery in Pittsylvania ruled that Sarah Williams had, in fact, paid her debts to Clay and the boy should be returned to her. Clay appealed this decision, alleging that the testimony was flimsy. Although the records of the High Court of Chancery in Richmond do not survive, later testimonies and depositions

seem to indicate that Clay's appeal was denied.¹²⁹

The saga of the slave, Garland, did not end with the high court's decision, and it was at this point that John Kerr of Halifax County, Clay's future political nemesis, became involved in the Garland controversy. John Kerr, who was born close to Yanceyville in Caswell County, North Carolina on August 4, 1782, became ordained as a Baptist minister in 1802. Three years later he moved to Halifax County and married Elizabeth Williams, sister of Mary Williams Clay and daughter of Sarah Williams. Kerr was not only a respected Baptist minister, but he also became a wealthy Southside Virginia planter, thanks in large part to the sizeable estate into which he married. The Kerr/Williams plantation contained such conspicuous items of wealth as mahogany and Windsor chairs, a full silver tea set, Liverpool dining ware and a carriage, buggy and a two-horse wagon. In addition, he owned thirteen slaves and over 351 acres of prime Halifax farmland on Birch Creek and Dan River.¹³⁰

¹²⁹ Court Order Books. December 16, 1799 and August 18-21, 1800. Pittsylvania County, Virginia. #9, 170, 422-444.

¹³⁰ Accounts Current of John Kerr. February 23, 1843. Book of Accounts Current. Pittsylvania County, Virginia. #14, 7-9. Land Tax Books. 1814. Halifax County, Virginia. Marriage Books. April 17, 1805, Halifax County, Virginia. #1, 59. Lyon G. Tyler ed., Tyler's Quarterly and Genealogical Magazine, (33 vols. Richmond: Richmond Press, Inc., 1922), III, 139. See also Harrison,

As soon as his residency was official in Halifax County, Reverend Kerr began to compete against Matthew Clay for the privilege of representing the Sixth Congressional District in Washington. After having failed on several occasions to defeat Clay, but he finally succeeded in 1813. His success was partially a result of Clay's abstention on the war vote, but the primary cause for Kerr's victory was a new chapter in the Garland affair. On April 11, 1811, two depositions were presented in Pittsylvania County court by Captain John Wall of Halifax County and Creed Taylor of Pittsylvania County. The testimonies of the men revealed that Reverend Kerr told them and many others that Matthew Clay had given Garland a free pass, provided transportation, and enticed the boy to go with him to Washington to serve as his personal servant. This had been a frequent duty of Garland when he had been in the possession of Clay. According to the testimony of Creed Taylor, Kerr placed an advertisement in a newspaper, soliciting assistance in the return of the runaway slave Garland, and verbally accused Clay of stealing the boy. In the advertisement Reverend Kerr stated that Clay was cruel to his slaves and he commented that Clay was not "a fitten man for Congress...because he was a bad man in his neighborhood,

and ...if Mr. Clay's virtue [is] in the Federal City, that he was obliged to go there for it." He further commented that he would insult God Almighty if he cast his vote for Matthew Clay. The majority of the citizens of the Sixth District sympathized with Kerr for the loss of such a fine slave and believed the half-truths against Clay. Where Clay had defeated Colonel Isaac Coles in 1797 in part over partisan malice, this time the former fell victim to the same type of tactic. Clay's only crime appeared to be his kindness toward the young man, and the fact that Clay's post as Congressman inspired Garland's curiosity and interest. No doubt, he preferred the life of a servant to a Congressman, to that of a field hand. In Kerr's defense, however, Clay probably fully encouraged the boy to come to Washington. The final chapter of the Garland story is unknown, but it was detrimental to Matthew Clay in 1813.¹³¹

While the Reverend John Kerr served in the Thirteenth Congress, Matthew Clay remained at home, practicing law and tending to his plantation. He purchased an additional 330 acres of land on Sandy Creek and increased his fold of horses from seventeen to twenty-two. Clay also stayed in touch with his former constituents and kept abreast of the

¹³¹ Saunders, Alabama, p.273. See also Matthew Clay Papers, 1785-1834. Depositions of Creed and Allen Tanner and John Wall in Pittsylvania County Chancery Court, April 11, 1811. MDAH.

events in Washington during the war. The same day that John Kerr printed his 1815 Circular in the Lynchburg Press, Clay announced his candidacy for the Fourteenth Congress. Both men espoused reducing taxes and governmental economies such as would result from disbanding unnecessary military forces. However, Kerr made the serious tactical error of urging a change of Congressional salaries from six dollars per day to \$1,500 a year. Clay had tasted defeat in 1813, but never again. He was reelected in 1815, but died before having the opportunity to take his seat in Congress. He was making a trip from Richmond to Halifax Courthouse to make a congratulatory speech to his constituents when he suddenly died of either a heart attack or a stroke.¹³²

Matthew Clay left an estate valued at over \$2,540, which included ten slaves, twelve horses and eighteen cows. In his will¹³³ he left all his 1,806 3/4 acres in Virginia

¹³² Lynchburg Press, (Lynchburg, Virginia), March 23, 1815. Microfilm. Newman Library. Land Tax Books. 1815. Pittsylvania County, Virginia, Personal Property Tax Books. 1814. Pittsylvania County, Virginia. ViSL. Harrison, Biographical Directory, p.987, DAB, II, 181, Richmond Enquirer, (Richmond, Virginia), June 10, 1815. ViHi. MSS., Virginia Argus, (Richmond, Virginia), June 7, 1815. ViHi. MSS. See also Nobel E. Cunningham, Jr., ed., Circular Letters of Congressmen to Their Constituents, 1789-1829, (3 vols. Chapel Hill, North Carolina: Published for the Institute of Early American History and Culture, Williamsburg, Virginia by The University of North Carolina Press, 1978), II, 917-921.

¹³³ See Appendix for transcription of Matthew Clay's Will.

to his daughter Amanda Ann S. Clay. He willed all his land and his salt mine in Tennessee to Joseph and Matthew, Jr. Matthew Clay also emancipated his mulatto boy William Penn and his three mulatto girls, Adelia, Eliza and Ellen, and provided them with clothing, boarding and schooling until they had acquired a good education or a trade.

* * * * *

Throughout most of his Delegate and Congressional career, Matthew Clay maintained his conservative Old Republican ideals. He supported a defensive, cost-effective and modest military. For example, Jefferson's gunboats and the militia were efficient and frugal means for protecting America. He advocated internal improvements with the stipulation that at least one-half of the funds be provided by the particular locality, and that the improvement benefit a large percentage of the state or nation. He supported clearing the navigation of the Banister River, but he opposed the Cumberland Road since the nation would be forced to fund a project that would benefit only a select few. The Pittsylvanian opposed any alteration of the "sacred" United States Constitution. This is evidenced by his refusal to support constitutional amendments and rechartering of the Bank of the United States. Clay always spoke for his constituents. As a Delegate to the General Assembly, he urged river improvements, the establishment of tobacco inspection warehouses, and the formation of a town. Yet above all else, Matthew Clay of Pittsylvania County, Virginia was an ardent defender of republicanism against monarchy and despotism. As an officer in the Continental

Army and as a public servant for twenty years, he had risked his life and reputation to protect America's liberty, freedom and honor. Although he did not boldly voice his convictions on every subject, he used the vote to express his opinions on issues of national importance.

The fact that Matthew Clay deviated from the strict Old Republican path during the Eleventh and Twelfth Congress should not be considered an inconsistency in his sixteen-year Congressional record. It was a testimony to his principles of limited government, of economy in government and of pragmatism in government. No doubt, the War Hawks were as pleasantly surprised to receive his intermittent support as they were annoyed to bear his intermittent criticism. Clay's Old Republican friends were shocked at what they deemed his desertion. Both groups realized that Clay believed that American honor had been severely tarnished by Britain's Orders in Council. His abstention on the war vote dimmed his reputation, but a "yes" vote would have meant that he approved of the nation's involvement in a war for which it was unprepared and could have resulted in disastrous consequences. On the other hand, a "no" vote would have signified that Clay opposed America defending her honor and rights as a neutral. Therefore, Clay's only other option, the "silent vote," was

the most appropriate means of expressing his opinions. An old soldier himself, he knew both the horrors of war and the necessity of sound training for long-term enlisted men. His patriotism should not have been doubted in 1813, but he won vindication at the polls in 1815.

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Appendix A

VOTING CHART OF SELECTED CONGRESSMEN, 5TH CONG.

State	Party	Name	1	2	3	4	5	6
Del.	F	Bayard, J.	Y	Y	Y	Y	Y	Y
Mass.	F	Otis, H.	Y	Y	Y	Y	Y	*
Vt.	R	Lyon, M.	N	N	N	N	N	N
Pa.	R	Gallatin, A.	N	Y	Y	N	N	Y
N.C.	R	Macon, N.	N	N	N	N	N	N
Va.	R	Cabell, S.	*	Y	N	*	N	Y
	R	Claiborne, T.	N	N	N	*	N	N
	R	Clay, M.	N	Y	N	*	*	Y
	R	Clopton, J.	*	Y	N	N	N	Y
	R	Dawson, J.	N	N	N	N	N	N
	R	Giles, W.	*	N	*	*	*	N
	F	Evans, T.	Y	Y	Y	Y	Y	Y
	R	Harrison, C.	N	Y	*	*	*	Y
	R	Holmes, D.	N	Y	Y	N	N	Y
	R	Jones, W.	N	N	Y	N	N	N
	F	Machir, J.	Y	Y	Y	Y	Y	Y
	F	Morgan, D.	Y	Y	Y	Y	Y	Y
	R	New, A.	N	N	N	N	N	Y
R	Nicholas, J.	*	Y	Y	*	*	Y	
F	Parker, J.	Y	Y	Y	Y	Y	Y	
R	Trigg, A.	N	*	N	N	N	*	

R	Trigg, J.	N	*	*	N	N	*
R	Venable, A.	N	N	N	N	N	N

Explanation for Chart: Y=Yes, N=No, *=Abstained or Absent

Legend for the Voting Chart

Bill or Measure

- 1 Creation of the Navy Department
- 2 Protection of American shorelines
- 3 Further protection of ports and harbors
- 4 Provisional Army Bill
- 5 Final vote on Sedition Bill
- 6 Final vote on Compromise Navy Bill

Appendix B

VOTING CHART OF SELECTED CONGRESSMEN, 6TH CONG.

State	Party	Name	1	2	3	4	5	6
Del.	F	Bayard, J.	Y	Y	Y	Y	Y	Y
Mass.	F	Otis, H.	Y	Y	Y	Y	Y	*
Vt.	R	Lyon, M.	N	N	N	N	N	N
Pa.	R	Gallatin, A.	N	Y	Y	N	N	Y
N.C.	R	Macon, N.	N	N	N	N	N	N
Va.	R	Cabell, S.	*	Y	N	*	N	Y
	R	Claiborne, T.	N	N	N	*	N	N
	R	Clay, M.	N	Y	N	*	*	Y
	R	Clopton, J.	*	Y	N	N	N	Y
	R	Dawson, J.	N	N	N	N	N	N
	R	Giles, W.	*	N	*	*	*	N
	F	Evans, T.	Y	Y	Y	Y	Y	Y
	R	Harrison, C.	N	Y	*	*	*	Y
	R	Holmes, D.	N	Y	Y	N	N	Y
	R	Jones, W.	N	N	Y	N	N	N
	F	Machir, J.	Y	Y	Y	Y	Y	Y
	F	Morgan, D.	Y	Y	Y	Y	Y	Y
	R	New, A.	N	N	N	N	N	Y
	R	Nicholas, J.	*	Y	Y	*	*	Y
	F	Parker, J.	Y	Y	Y	Y	Y	Y
	R	Trigg, A.	N	*	N	N	N	*

R	Trigg, J.	N	*	*	N	N	*
R	Venable, A.	N	N	N	N	N	N

See Appendix A for explanation

Legend for Voting Chart

Bill or measure

- 1 First vote to repeal the Additional Army Act
- 2 Breach of Privilege (John Randolph)
- 3 Intercourse with France prohibited
- 4 Sedition Act extension presented to Whole House
- 5 Virginia divided into two judicial districts
- 6 Reorganization of the Judiciary
- 7 Nonintercourse with France extended
- 8 Extension of the Sedition Act

Appendix C

VOTING CHART OF SELECTED CONGRESSMEN, 7TH CONG.

State	Party	Name	1	2	3	4	5
Del.	F	Bayard, J.	*	N	*	*	*
Mass.	F	Griswold, R.	N	N	N	N	N
Md.	R	Nicholson, J.	Y	Y	Y	Y	Y
Va.	R	Brent, R.	Y	Y	*	Y	*
	R	Cabell, S.	Y	Y	*	Y	Y
	R	Claiborne, T.	Y	Y	Y	Y	Y
	R	Clay, M.	Y	Y	Y	Y	Y
	R	Clopton, J.	Y	Y	*	Y	Y
	R	Condit, J.	Y	Y	Y	Y	Y
	R	Dawson, J.	Y	Y	Y	*	Y
	R	Giles, W.	Y	Y	*	*	*
	R	Gray, E.	Y	Y	Y	Y	Y
	R	Holmes, D.	Y	Y	Y	Y	Y
	R	Jackson, G.	Y	Y	Y	Y	*
	R	New, A.	Y	Y	Y	Y	Y
	R	Randolph, J.	Y	Y	Y	Y	Y
F	Stratton, J.	*	N	N	*	*	
R	Trigg, A.	Y	Y	Y	Y	Y	
R	Trigg, J.	Y	Y	Y	Y	Y	

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Judiciary Act of 1802
- 2 Repeal of internal taxes
- 3 Public Debt to be paid in full
- 4 No compensation for unemployed judges
- 5 Impeachment of Judge Pickering

Appendix D

VOTING CHART OF SELECTED CONGRESSMEN, 8TH CONG.

State	Party	Name	1	2	3	4	5
Mass.	F	Griswold, R.	*	Y	N	Y	N
Md.	R	Nicholson, J.	Y	N	Y	N	Y
Va.	R	Clay, M.	Y	N	*	N	Y
	R	Dawson, J.	Y	Y	Y	Y	Y
	R	Goodwyn, P.	Y	N	Y	N	Y
	R	Gray, E.	Y	N	*	*	Y
	F	Griffin, T.	N	N	N	N	*
	R	Holmes, D.	Y	Y	Y	N	Y
	R	Jackson, G.	Y	Y	Y	Y	Y
	R	Jones, W.	Y	*	Y	N	Y
	F	Lewis, J.	N	Y	N	Y	N
	R	Randolph, J.	Y	N	Y	N	*
F	Stephenson, J.	N	N	N	Y	*	
R	Trigg, A.	Y	N	Y	N	N	

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Louisiana Purchase
- 2 Public Roads
- 3 Judge Chase Impeachment

- 4 Georgia Claims
- 5 Arming merchant vessels

Appendix E

VOTING CHART OF SELECTED CONGRESSMEN, 9TH CONG.

State	Party	Name	1	2	3	4	5
Mass.	F	Quincy, J.	N	N	Y	*	*
Conn.	F	Dana, S.	N	N	Y	N	Y
	F	Davenport, J.	N	N	Y	N	Y
Pa.	R	Clay, J.	Y	Y	N	Y	*
Md.	R	Nicholson, J.	*	Y	Y	*	*
Ky.	R	Lyon, M.	N	Y	Y	*	N
Va.	R	Bassett, B.	*	Y	N	Y	N
	R	Claiborne, J.	N	Y	N	Y	N
	R	Clay, M.	Y	Y	N	N	N
	R	Clopton, J.	N	Y	*	Y	N
	R	Dawson, J.	N	Y	Y	Y	*
	R	Eppes, J.	N	Y	*	N	N
	R	Garnett, J.	N	Y	N	*	N
	R	Goodwyn, P.	Y	Y	N	*	N
	R	Gray, E.	Y	Y	N	N	*
	R	Holmes, D.	N	Y	N	Y	N
	F	Lewis, J.	N	N	N	*	N
	R	Newton, T.	N	Y	N	Y	N
	R	Randolph, J.	*	*	*	Y	N
	R	Randolph, T.	*	Y	Y	*	*
	R	Trigg, A.	N	*	N	Y	N

R	Varnum, J.	N	Y	Y	N	Y
R	Wilson, A.	Y	Y	N	N	N

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Strike out section of Ports and Harbor Bill
- 2 Nicholas Amendment to the Nonimportation Law
- 3 Cumberland Road Bill
- 4 Slave importation as a high misdemeanor, not felony
- 5 Legal to transport slaves up the coast for sale
(Thus approving nonimportation of slaves)

Appendix F

VOTING CHART OF SELECTED CONGRESSMEN, 10TH CONG.

State	Party	Name	1	2	3	4	5	6	7	8
Mass.	F	Quincy, J.	Y	N	Y	N	N	Y	N	Y
Conn.	F	Davenport, J.	N	N	Y	N	N	Y	N	*
	F	Dana, S.	Y	N	Y	Y	N	Y	N	*
Ky.	R	Lyon, M.	Y	N	*	*	N	Y	Y	Y
N.C.	R	Macon, N.	Y	*	N	N	N	Y	N	*
Va.	R	Bassett, B.	Y	Y	*	Y	Y	Y	N	Y
	R	Burwell, W.	Y	Y	Y	Y	Y	Y	Y	N
	R	Clay, M.	Y	Y	N	N	Y	Y	N	N
	R	Clopton, J.	Y	Y	Y	Y	*	Y	*	*
	R	Dawson, J.	Y	Y	N	Y	Y	Y	N	Y
	R	Eppes, J.	N	*	*	Y	Y	Y	Y	Y
	R	Garnett, J.	Y	N	*	N	N	Y	Y	*
	R	Goodwyn, P.	Y	Y	*	Y	Y	Y	Y	N
	R	Gray, E.	Y	N	N	N	*	Y	*	N
	R	Holmes, D.	Y	Y	Y	Y	Y	Y	Y	Y
	F	Lewis, J.	Y	N	*	Y	N	*	Y	Y
	R	Love, J.	Y	Y	*	Y	*	Y	Y	Y
	R	Nicholas, W.	Y	Y	Y	Y	Y	N	Y	Y
	R	Randolph, J.	Y	N	*	N	N	Y	N	*
	R	Smith, J.	*	*	*	Y	*	Y	Y	Y
	R	Trigg, A.	Y	Y	*	N	N	Y	N	N

R Wilson, A. Y Y * Y Y Y Y *

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Arming the Militia
- 2 Original Embargo Act
- 3 Initial Gunboat Bill
- 4 Conditional repeal of the Embargo Act
- 5 Additonal Army Bill
- 6 Section One of the Non-Intercourse Act
- 7 Non-Intercourse Act
- 8 Increase of the Marine Corps

Appendix G

VOTING CHART OF SELECTED CONGRESSMEN, 11TH CONG.

State	Party	Name	1	2	3	4	5	6	7
Conn.	F	Dana, S.	Y	N	N	N	N	*	*
	F	Davenport, J.	Y	N	N	Y	N	N	*
N.J.	R	Southard, H.	N	Y	Y	N	Y	Y	*
Penn.	R	Crawford, W.	N	*	Y	N	Y	Y	Y
	R	Rea, J.	N	Y	N	Y	Y	Y	Y
N. C.	R	Macon, N.	Y	N	Y	Y	N	Y	N
	F	McBryde, A.	Y	*	Y	Y	N	N	*
	R	Alston, W.	N	Y	Y	Y	Y	N	Y
Tenn.	R	Rhea, J.	N	Y	Y	N	Y	Y	Y
Ky.	R	Desha, J.	N	Y	Y	N	Y	Y	Y
	R	Lyon, M.	N	Y	Y	Y	*	*	*
Va.	R	Bassett, B.	N	*	Y	N	*	Y	Y
	F	Breckinridge, J.	*	*	N	*	N	N	*
	R	Burwell, W.	N	Y	Y	N	Y	*	Y
	R	Clay, M.	Y	*	N	Y	N	Y	Y
	R	Clopton, J.	N	*	N	N	Y	*	*
	R	Dawson, J.	N	Y	Y	*	Y	Y	*
	R	Eppes, J.	N	Y	Y	*	*	*	Y
	R	Gholson, T.	N	Y	Y	Y	Y	Y	Y
	R	Goodwyn, P.	N	Y	*	Y	Y	Y	Y
	R	Gray, E.	*	*	*	*	*	Y	*

R	Jones, W.	Y	*	Y	N	*	Y	*
F	Lewis, J.	Y	*	N	N	N	N	*
R	Love, J.	N	Y	*	N	*	Y	Y
R	Newton, T.	N	Y	Y	N	*	Y	Y
R	Randolph, J.	Y	*	*	Y	*	N	N
R	Roane, J.	N	Y	Y	N	Y	Y	*
F	Sheffey, D.	Y	Y	Y	Y	N	N	*
R	Smith, J.	N	*	Y	N	Y	N	Y
R	Stephenson, J.	Y	Y	N	*	N	N	*
F	Swoope, J.	Y	Y	Y	Y	N	N	N

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Bill to sell gunboats
- 2 Resolution to continue Non-Intercourse
- 3 Macon's Bill Number One
- 4 Presidential option to determine size of navy
- 5 Macon's Bill Number Two
- 6 Bank of United States recharter postponed
- 7 Vote on a stronger Non-Intercourse

Appendix H

VOTING CHART OF SELECTED CONGRESSMEN, 12TH CONG.

State	Party	Name	1	2	3	4	5	6	7	8	9	10	11	12
Vt.	R	Fisk, J.	Y	N	Y	Y	Y	N	*	Y	Y	Y	N	Y
Mass.	R	Bacon, E.	Y	Y	*	Y	N	Y	Y	Y	N	*	N	Y
	F	Quincy, J.	Y	Y	Y	N	*	Y	N	N	N	N	Y	N
Conn.	F	Davenport, J.	N	N	Y	N	N	N	N	N	N	N	Y	N
N.Y.	F	Livingston, R.	Y	Y	Y	N	N	*	*	N	N	*	*	*
	R	Porter, P.	Y	Y	*	N	N	Y	*	Y	*	*	*	*
N.J.	R	Morgan, J.	Y	Y	Y	Y	Y	Y	*	*	Y	Y	N	*
Penn.	R	Crawford, W.	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y
	R	Smilie, J.	N	Y	N	Y	Y	Y	Y	Y	Y	Y	*	*
N.C.	R	Alston, W.	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
	R	Macon, N.	N	Y	N	Y	Y	N	N	Y	N	Y	N	*
S.C.	R	Calhoun, J.	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
	R	Cheves, L.	Y	Y	Y	N	Y	*	Y	Y	Y	Y	Y	Y
	R	Lowndes, W.	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	N
Ky.	R	Desha, J.	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	N	Y
	R	Mckee, S.	Y	Y	N	Y	*	Y	Y	*	N	Y	N	Y
	R	New, A.	Y	Y	Y	Y	*	Y	*	Y	Y	Y	N	Y
Va.	F	Baker, J.	*	Y	Y	N	Y	N	N	*	N	N	Y	N
	R	Bassett, B.	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
	F	Breckinridge, J.	N	Y	Y	N	Y	N	N	N	N	N	Y	N
	R	Burwell, W.	Y	Y	Y	Y	*	N	Y	Y	Y	Y	N	Y

R	Clay, M.	Y	Y	Y	*	Y	N	Y	Y	Y	*	N	N
R	Clopton, J.	Y	Y	Y	Y	*	*	*	*	Y	Y	N	Y
R	Dawson, J.	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
R	Gholson, T.	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
R	Goodwyn, P.	*	*	*	Y	N	Y	Y	Y	Y	Y	Y	Y
R	Gray, E.	*	*	N	Y	N	N	*	*	N	*	N	N
R	Hawes, A.	Y	Y	Y	N	N	N	Y	*	Y	Y	Y	Y
F	Lewis, J.	N	N	*	*	Y	N	N	*	N	N	Y	N
R	McCoy, W.	Y	Y	Y	Y	*	N	Y	*	Y	Y	Y	Y
R	Nelson, H.	Y	*	Y	N	N	N	Y	Y	Y	Y	Y	Y
R	Newton, T.	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y
R	Pleasants, J.	*	*	Y	N	N	Y	Y	Y	Y	Y	Y	Y
R	Randolph, J.	N	*	*	*	*	N	N	N	N	N	N	N
R	Roane, J.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
F	Sheffey, D.	N	*	Y	Y	Y	N	*	N	N	*	Y	N
R	Smith, J.	Y	Y	Y	N	*	N	*	N	Y	Y	Y	Y
R	Taliaferro, J.	Y	Y	*	Y	N	Y	Y	N	*	Y	Y	Y
F	Wilson, T.	N	Y	Y	N	*	N	N	N	N	N	Y	N

See Appendix A for explanation

Legend for Voting Chart

Bill or Measure

- 1 Additional Military Force Bill
- 2 Volunteer Military Corps Bill
- 3 Refit and repair naval vessels

- 4 Bill to build new frigates
- 5 Establish uniform and equipped militia
- 6 A 20 cents tax on imported salt
- 7 Tax resolution taken as a whole
- 8 Embargo Bill
- 9 Indefinite postponement of adjournment
- 10 Declaration of War
- 11 Increase of the United States Navy
- 12 Bill to create an Additional Military Force

Appendix I

LAST WILL AND TESTIMENT OF MATTHEW CLAY

In the name of God Amen, I Matthew Clay of the County of Pittsylvania and state of Virginia, being of sound mind and in good health but knowing the uncertainty of life, do make and ordain this my last will and testament in manner and form following, (Viz) Imprimus, It is my express desire that no inventory nor appraisement shall be taken of my Estate.

2ndly, I will to my two sons Joseph Clay and Matthew Clay and to their heirs forever, all the land which I own or claim lying out of the state of Virginia to be equally divided agreeable to quality and quantity between them.

3rdly, I will to my daughter Amanda Ann S. Clay and to her heirs forever, all the land which I own, or claim lying in the state of Virginia.

4thdly, All the rest residue and remainder of my Estate both real and personal, I will to be equally divided between my three children, Joseph, Matthew and Amanda Ann S. which I give unto them and their heirs forever, except the legacies hereinafter mentioned (Viz) I will that William Penn who is now fourteen years old, shall be clothed, boarded and schoold [sic] untill [sic] he has acquired a good English

education, then bound to learn a trade untill [sic] he is twenty one years old and then my Executors hereinafter mentioned shall pay him one thousand dollars from my Estate, also give him the said William Penn one horse, bridal and saddle of the value of one hundred dollars, and a good suit of clothes, And I further will that my Executors cause to be carried [to] Adelia, Eliza and Ellen three mulatto girls now about eight years old out of the state of Virginia, into some other state and to be emancipated, clothed, boarded and schooled untill [sic] they are eighteen years of age and then pay each of them from my Estate five hundred dollars and a good suit of clothes of the value of fifty dollars which I give to them and their heirs, And lastly it is my will and desire that my two sons Joseph Clay and Matthew Clay execute this my last will and testament, signed by me on good friday 8 April 1814---

Matthew Clay---

of Lavallee----

Appendix J

THE MATTHEW CLAY FAMILY

Matthew Clay's underlying purpose for leaving Amanda Clay the entire Virginia estate was to increase her chances of finding a husband since she was an epileptic. Soon after her father's death, she married George P. Keesee. He was a man of modest means and "great sagacity," who used Amanda's inheritance to establish himself as one of Pittsylvania's leading planters. The couple lived most of their lives in the county although they did reside for several years in northern Alabama. In 1816 Joseph and Matthew, Jr. moved to Alabama. Matthew Clay's oldest son Joseph married thirteen or fourteen-year-old Margaret Ann Bowen against her parents' wishes. The couple lived most of their lives in Dyer County, Tennessee where Joseph supervised his father's salt mine and operated a sizeable plantation. He was a captain during the War of 1812, serving in the Canadian theatre, and later became a colonel in the Tennessee militia. He died in 1835 and was survived by his wife and three children, Sarah Amanda, Joseph Bowen and Charles Clement. The latter became involved in politics like his grandfather. After leaving Virginia, Matthew Clay, Jr. moved to Madison County, Alabama. He married Frances Anne Saunders who bore him two

children, Thomas F. and Matthew. Matthew Clay, Jr.'s personality was more like that of his Uncle Green Clay than that of his father. Matthew, Jr. was sharp-tempered, often dueled and was an excellent hunter. But like his father, he studied law and became involved in politics, serving in the Alabama State Legislature from 1820 to 1825. Matthew, Jr. supported William H. Crawford over his kinsman Henry Clay in 1824, stating that he was a Jeffersonian like his father. He was also a large plantation and slave owner, and at one time was a general in the state militia. He died at the young age of thirty-two in February of 1827.¹³⁴

¹³⁴ Robert Young Clay, comp., "Geneology of the Clay Family," (Richmond, Virginia), 1983, Saunders, Alabama, pp.273-276, Harrison, Biographical Directory, p.987. See also Deed Books. May 17, 1837. Pittsylvania County, Virginia, #4, 57, Will of Joseph Clay. May 21, 1836. Book of Wills, Inventories and Accounts Current, Pittsylvania County, Virginia. Book 1-A, 51-53, Accounts Current of Matthew Clay. February 18, 1839. Book of Accounts Current. Pittsylvania County, Virginia. #12, 274-275. Will of Matthew Clay. April 8, 1814. Book of Deeds and Wills. Pittsylvania County, Virginia. #11, 405-406.

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MATTHEW CLAY: OLD SCHOOL REPUBLICAN

by

Lawrence W. Williamson

(ABSTRACT)

Matthew Clay was born on May 25, 1754 in western Halifax County, Virginia, which became Pittsylvania County in 1767. He was the son of Charles and Martha Green Clay. As an officer in the Continental Army, he served in the 9th Virginia Regiment (1776-1778), the 1st Virginia Regiment (1778-1781) and the 5th Virginia Regiment (1781 to 1783). As a member of the 1st Virginia, he achieved the rank of first lieutenant and became Regimental Quartermaster. After being mustered out of the military, Matthew Clay was briefly employed by the State Solicitor's (Auditor's) Office in Richmond, Virginia. Once he had completed reading law in Richmond, he returned to the place of his birth. He married Mary Williams, the orphan daughter of Joseph Williams. Mary's wealthy guardian, Colonel Robert Williams, assisted Clay in launching a career in politics.

As a Delegate to the General Assembly, Matthew Clay always considered himself a servant of the people. After his return from the General Assembly, Clay became involved in agriculture, especially tobacco. In 1797 he returned to

the world of politics and won election to the 5th through the 12th Congresses (1797-1813). During that period, he established himself as a political conservative, holding true to the principles that he had been exposed to when he entered Congress in 1797. The Old Republicans, as they later came to be known, opposed Jefferson's and Madison's semi-nationalistic tendencies. They supported a frugal and streamlined government, a small and cost-efficient military and a strict construction of the United States Constitution. Clay was a close friend of James Monroe and supported him for President in 1808. Like his fellow Southside Congressman John Randolph of Roanoke, Matthew Clay adhered to the ideals of Old School Republicanism, but unlike the former, he refused to join Randolph in his schism with Jefferson and Madison. In the main, Matthew Clay modified his conservative beliefs only once during his Congressional career as he openly supported the United States' military preparedness in the wake of continued British depredations in 1811-1812.

The Pittsylvanian was defeated for reelection in 1813 partly because he abstained from voting on the declaration of war in 1812 and partly because he had become embroiled in unsuccessful litigation with his political rival John Kerr. Matthew Clay was reelected in 1815, but he died suddenly before he could go to Washington to resume his seat.