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MR. CLAY'S ADDRESS.

To the People of the Congressional District composed of the Counties of Fayette, Woodford, and Clarke, in Kentucky.

With these remarks, I will, for the present, leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the Presidential election. The first inquiry which it behoved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes, which the three returned candidates brought into the House, from the colleges. General Jackson obtained 99, Mr. Adams 34, and Mr. Crawford 41. Ought the fact of a plurality being given to one of the candidates to have had any, and what weight, if the Constitution had intended that it should have been decisive, and interdicted the exercise of any discretion on the part of the House of Representatives? The Constitution has not so ordained, but, on the contrary, it has provided that, "from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately, by ballot, a President." Thus, a discretion is necessarily invested in the House; for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the constitution of the country, conclusive upon the judgment of the House, it still remains to determine what is the true degree of weight belonging to it. It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that, in this form, it should control the judgment of the House. But this is the same argument of conclusiveness, which the constitution does not enjoin, thrown into a different, but more imposing shape. Let me analyze it. There are certain states, the aggregate of whose electoral votes conferred upon the highest named candidate, indicates their wish that he should be the President. Their votes amount in number to 99, out of the 261 electoral votes of the whole Union. These 99 do not, and cannot, of themselves, make the President. If the fact of particular states giving 99 votes can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people, who appoint, have the right to direct, by their instructions, in certain cases, the course of the Representative whom they appoint. The states, therefore, who gave these 99 votes, say, in some sense, be understood thereby to have instructed their Representatives in the House to vote for the person on whom they were bestowed, in the choice of a President. But most clearly the Representatives coming from other states, which gave no part of those 99 votes, cannot be considered as having been under any obligation to surrender their judgments to those of the states which gave 99 votes. To contend that they are under such an obligation, would be to maintain a still more absurd proposition, that, in a case where the Representatives from a State did not hold themselves instructed and bound by the will of that state, as indicated in its Electoral College, the Representatives from another state were, nevertheless, instructed and bound by that when will. Thus, the entire vote of North Carolina, and a large majority of that of Maryland, in their respective Electoral Colleges, were given to one of the three returned candidates, for whom the Delegation from neither of those states voted. And yet the argument combated requires that the Delegation from Kentucky, who do not represent the people of North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two states, when their own Delegation paid no attention to it. Doubtless, these Delegations felt themselves authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective states; and felt themselves justified, from a view of the whole ground, to act upon their responsibility and according to their best judgments, disregarding the electoral votes in their states. And are the representatives from a different state not only bound by the will of the people of a different commonwealth, but forbidden to examine in the manner by which the expression of that will was brought about—an examination which the immediate Representatives themselves feel it their duty to make?

deviations which the House was called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As, between General Jackson and Mr. Adams, the vote standing in the proportions of 99 to 34, it was entitled to less weight, as between the General and Mr. Crawford it was entitled to more, the vote being as 99 to 41. The concession may even be made, that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality. With these views of the relative state of the vote, with which the three returned candidates entered the House, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who barely entered the House with only four votes more than one candidate, not returned, and upon whose case, therefore, the argument derived from the fact of plurality operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only committed. It appeared to me that the precarious state of that gentleman's health, although I participated with his best friends in all their regrets and sympathies, on account of it, was conclusive against him, to say nothing of other considerations of a public nature which would have deserved examination, if happily in that respect, he had been differently circumstanced. He had been ill near eighteen months, and although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it which had been presented to the public, was not perfectly harmonious, I judge for myself upon what I saw and heard. He may, and I ardently hope, will recover; but I did not think it became me to assist in committing the Executive administration of this great Republic on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation his election had been desirable, I did not think it practicable. I believed, and yet believe, that, if the votes of the Western States, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the House the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether—the very worst result, I thought, that could happen. It appeared to me, then, that sooner or later we must arrive at the only practical issue of the contest before us, and that was, between Mr. Adams and General Jackson, and I thought that the earlier we got there the better for the country and for the House. In considering this only alternative, I was not unaware of your strong desire to have a Western President; but I thought that I knew enough of your patriotism, and ingenuously displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject—that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment. In speaking of Gen. Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him as he becomes me, with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of Chief Magistrate, as his competitor. He has displayed great skill and bravery as a military commander; and his renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of President of the U. States, the incumbent must have more than mere military attainments—he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist, and doubtless the union of all these characters in the person of a Chief Magistrate, would be desirable; but no one of them, nor all combined, will qualify him to be President, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say, that it is an objection to the elevation to the Chief Magistracy of any person, that he is a military commander, if he unites the other qualifications, I only intend to say, that whatever may be the success or splendor of his military achievements, if his qualification be only military, that is an objection, and I think a decisive objection to his election. If General Jackson has exhibited, either in the course of the Union, or in those of his own State, or in those of any other State or Territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary to recapitulate some of the incidents which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was, in that extraordinary person, united a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and throughout his whole life, a familiarity and acquaintance with business and civil transactions, which rarely characterize any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to General Jackson, when I say, that I could not recognize, in his public conduct, those attainments for both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards Gen. Jackson for his brilliant military services. But the impulses of public gratitude

should be controlled, it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous and impetuous feelings, however amiable and excellent that feeling may be when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believed, Gen. Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. Gen. Jackson himself would be the last man to recommend or vote for any one for a place, for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the Department of War, he remarked: "I am compelled to say to you, that the acquirements of his worthy man are not competent to the discharge of the multiplied duties of this Department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character." Such was my opinion of Gen. Jackson, in reference to the Presidency. His convictions of Gov. Shelby's unfitness, by the habits of his life, for the appointment of Secretary of War, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a President of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent, and I am mistaken in all the warnings of instructive history if I erred in my judgment. Undoubtedly there are a number of many dangers to public liberty, besides that which proceeds from military idolatry; but I have yet to acquire the knowledge of it if there be one more perilous or more frequent. Whether Mr. Adams would or would not have been my choice of a President, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed in the selection I had to make, to one of the three gentlemen whom the people themselves had thought proper to present to the House of Representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly gifted, profoundly learned, and long and greatly experienced in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of a great part of the public men of this country, whom it might be proper to employ in the public service; extensively possessed of such of that valuable kind of information which is to be required neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter on the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated. A collateral consideration of much weight was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, "Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us." Was not much due to our neighbor and friend? I considered, with the greatest respect, the resolution of the General Assembly of Kentucky, requesting the delegation to vote for General Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the Union, was left by its Legislature entirely free to examine the pretensions of all the candidates, and to form its unbiased judgment, the General Assembly of Kentucky thought proper to interpose and to request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties to conform to the request of the General Assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the General. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew their attention was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No election, no general expression of the popular sentiment had occurred since that in November, when electors were chosen, and at that the people, by an overwhelming majority, had decided against General Jackson. I could not see how such an expression against him, could be interpolated into that of a desire for his election. If, as is true, the candidate whom they preferred, were not returned to the House, it is equally true, that the state of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this new state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of

the very members who had voted for the resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows: "We thus understand stated in the Congressional District, having viewed the instructions or request of the Legislature of Kentucky, on the subject of choosing a President and Vice President of the United States, with regret, and the said request of instruction to our representative in Congress from this District, being without our knowledge or consent, we, for many reasons known to ourselves, connected with so momentous an occasion, hereby direct our Representative in Congress to vote on this occasion agreeable to his own judgment, and by the best lights he may have on the subject, with or without the consent of the Legislature of Kentucky." This instruction came both unexpected and unsolicited by me, and it was accompanied by letters, assuring me that it expressed the opinion of a majority of my constituents. I could not, therefore, regard the resolution as conclusive evidence of your wishes. Viewed as a mere request, as it purported to be, the General Assembly doubtless had the power to make it. But then, with great deference, I think it was worthy of serious consideration, whether the dignity of the General Assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the General Assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction for, from the origin of our State, its Legislature has never assumed, nor exercised the right to instruct the Representatives in Congress. I did not recognize the right, therefore, of the Legislature to instruct me: I recognized that right only when exerted by you. That portion of the public servants who made up the General Assembly have no right to instruct that portion of them who constituted the Kentucky delegation in the House of Representatives, is a proposition too clear to be argued. The members of the General Assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the General Assembly, in the adoption of the resolution referred to, I must say that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not its principle, but is to be found only in the degree of superior importance which belongs to the General Assembly. Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion; but that was my situation, and I did not choose to shrink from any responsibility which appertained to your Representative. Shortly after the election, it was rumored that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the 26th of February, the address, under his name, to the "Electors of the ninth Congressional District of the State of Pennsylvania," made its appearance in the Washington City Gazette. No member of the House, I am persuaded, believed that Mr. Kremer wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the House. Those who counseled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the House. The first observation which is called for by the address is the place of its publication. That place was in this City, remote from the centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any, circulation in it. The time is also remarkable. The fact that the President intended to nominate me to the Senate for the office which I now hold, in the course of a few days, was then well known; and the publication of the address was, no doubt, made less with an intention to communicate information to the electors of the ninth Congressional District of Pennsylvania, than to affect the decision of the Senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co. made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocular, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive nature the next day in the indignant countenance of every unprejudiced and honorable member. In the card, Mr. Kremer had been made to say, that he held himself ready "to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, to the extent that they concern the course of conduct of H. Clay." The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discriminating between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts react upon me. Of the few topics of the address upon which I shall remark, the first is, the accusation brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom was it assignable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing fairly that

for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arrange me before the American people as the violator of instructions which I was bound to obey. If instead of being, as you would I hope always will be, slighted observers of the conduct of your public agents, judges of your rights, and competent to protect and defend them, you have been ignorant & culpably so, the gratuitous interposition, as your advocates of the honorable George Kremer, of the ninth Congressional District of Pennsylvania, would have merited your most graceful acknowledgments. Even upon that supposition, the arrangement of me would have required for its support one small circumstance, which happens not to exist, and that is, the fact of your having actually instructed me to vote according to his pleasure. The relations in which I stood to Mr. Adams constitute the next theme of the address, which I shall notice. I am described as having assumed "a position of peculiar and decided hostility to the election of Mr. Adams," and expressions to that effect are attributed to me, which I never used. I am made also responsible for "pamphlets and essays of great ability," published by my friends in Kentucky, in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of Gen. Jackson, in reference to publications issued, for example, from the Columbian Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or General Jackson. That I ever did any thing against Mr. Adams, or either of the other gentlemen, inconsistent with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that, with a knowledge of his perfidy, I nevertheless voted for him. If these imputations are well founded, I should, indeed, be a fit object for public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation, which they would excite, will be turned from me. My letter addressed to the Editors of the Intelligencer, under date of the 15th November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justification there is for such an assertion. It adverts to the controversy which had arisen between Messrs. Adams and Rüssel, and then proceeds to state that, "in the course of the several publications, of which it has been the occasion, and particularly in the appendix to a pamphlet which had been recently published by the Hon. John Quincy Adams, I think there are some errors (no doubt a vast number) both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the Fisheries, and to the part which I bore in those transactions. These important interests are now well secured."— "An account, therefore, of what occurred in the negotiation at Ghent, on those two subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is only interesting as pertaining to its past history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had almost resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understand them." From even a careless perusal of that letter, it is apparent, that the only two subjects of the negotiations at Ghent, which it refers, were the navigation of the Mississippi, and certain fishing liberties; that the errors, which I had supposed were committed, applied to both Mr. Rüssel and Mr. Adams, though most particularly to the appendix of the latter, that they were unintentional, that they affected myself principally, that I deemed them of no public importance, as connected with the then, or future security of any of the rights of the nation, but only interesting to its past history, that I doubted the necessity of my referring to the public any account of those transactions; and that the narrative which I prepared, was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I get think there are some unintentional errors, in the controversial papers between him and Mr. Rüssel. But I have reserved to myself an exclusive right of judging when I shall execute the promise which I have made, and I shall be neither quickened nor retarded in its performance, by the friendly anxieties of any of my opponents. If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known, by the publication of the British and American projects, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made an illiberal demand of the navigation of the Mississippi, by an article in their project nearly in the same words as those which were employed in the treaty of 1763; that a majority of the American commissioners was in favor of acceding to that demand, upon the condition that the British government would accede to the same fishing liberties, within their jurisdiction, as was secured to us by the same treaty of 1763; and that both demands were finally abandoned. The fact of these mutual propositions, as communicated by me to the American people in a speech which I delivered in