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From the New World. LIFE AND PUBLIC SERVICES OF HENRY CLAY.

CHAPTER I.

Birth and Parentage—His early days—The Mills of the Slaves—Studies Law—He is elected to a Debating Society—Becomes a successful Practitioner—Cases in which he distinguishes himself—He advocates the policy of gradually emancipating the Slaves in Kentucky—Opposes the Alien and Sedition Laws—Is elected to the General Assembly—Instances of his eloquence—Affliction with Col. Davies—Appears at the Bar for Aaron Burr—Subsequent interview with Burr in New York.

HENRY CLAY is a native of Hanover county, Virginia. He was born on the 12th of April, 1777, in a district of country familiarly known in the neighborhood as the *Slaves*. His father, a Baptist clergyman, died during the revolutionary war, leaving a small and much embarrassed estate and seven children, of whom Henry was the fifth, to the care of an affectionate mother. The surviving parent did not possess the means to give her sons a classical education; and the subject of our memoir received no other instruction than such as could be obtained in the log-cabin school houses, still common in the lower part of Virginia, at which spelling, reading, writing, and arithmetic are taught.

In 1792, his mother, who had become united, in a second marriage, with Mr. Henry Watkins, removed to Woodford county, Kentucky, taking all her children, with the exception of Henry and his oldest brother. It was always a subject of regret with Mr. Clay, that he was deprived at so early an age of his mother's counsel, conversation and care. She was a woman of great strength of mind, and of the utmost tenderness toward her children.

He was only five years old when he lost his father; and, consequently, his circumstances in early life, if not actually indigent, were such as to subject him frequently to hard manual labor. He has ploughed in corn-lands, mowed a summer day, without shoes, and without any other clothing than a pair of osanburg trowsers and a coarse shirt. He has often gone to mill with grain to be ground into meal or flour; and there are those who remember his youthful visits to Mrs. Derricott's mill on the Pamunkey river. On such occasions his general equipment was a horse, with a bridle made of rope, and no saddle. Upon the horse would be thrown a bag, containing three or four bushels of wheat or corn. On this bag, the future statesman would mount and go to mill, get the grain ground, and return with it home.

At the age of fourteen, he was placed in a small retail store, kept by Mr. Richard Denny, near the Market-house in the city of Richmond. He remained here till the next year, 1792, when he was transferred to the office of the Clerk of the High Court of Chancery, Mr. Peter Tinsley. There he became acquainted with the venerable Chancellor Wythe, attracted his friendly attention, and enjoyed the benefit of his instruction and conversation. The Chancellor being unable to write well, in consequence of the gout or rheumatism in his right thumb, he thought himself of employing his young friend as an amanuensis. This was a fortunate circumstance for the fatherless boy. His attention was thus called to the structure of sentences, as he wrote them down from the dictation of his employer; and a taste for the study of Grammar was created, which was noticed and encouraged by the Chancellor, upon whose recommendation he read Harris's *Hermes*, Toulk's *Divisions of Purley*, Bishop Leitch's *Grammar*, and other similar works.

For his handwriting, which is still remarkably neat and regular, Mr. Clay was chiefly indebted to Mr. Tinsley. Chancellor Wythe was a passionate votary of Greek. He was at one time occupied in preparing reports of his decisions, and commenting upon those of the Court of Appeals, by which some of his were reversed; and in this work he was assisted by his amanuensis. After the reports were published, he sent copies to Mr. Jefferson, John Adams, Samuel Adams, and others. In these copies, he employed H. Clay to copy particular passages from Greek authors, to whom references had been made. Not understanding a single Greek character, the young copyist had to transcribe by imitation letter after letter.

Leaving the office of Mr. Tinsley the latter part of 1796, he went to reside with the late Robert Brooke, Esq., the Attorney General, formerly Governor of Va. His only regular study of the law was during the year 1797, that he lived with Mr. Brooke; but it was impossible that he should not, in the daily scenes he witnessed, and in the presence of the eminent men whom he so often heard and saw, be in the way of gathering much valuable legal information. During his residence of six or seven years in Richmond, he became acquainted with all or most of the eminent Virginians of the period, who lived in that city, or were in the habit of resorting to it—such as Edmund

Pendleton, Spencer Roane, Chief Justice Marshall, Bushrod Washington, Wickham, Call, Copeland, &c. On two occasions, he had the good fortune to hear Patrick Henry—once, before the Circuit Court of the United States for the Virginia District, on the question of the payment of the British debts; and again before the House of Delegates of Virginia, on a claim of the superannuated officers in the service of the State during the Revolutionary War. Mr. Clay remembers that remarkable man, his appearance and his manner, distinctly. The impression of his eloquent powers remaining on his mind is, that their charm consisted mainly in one of the finest voices ever heard, in his graceful gesticulation, and the variety and force of expression which he exhibited in his life.

Henry Clay quitted Richmond in November, 1797, his eldest brother having died while he yet resided in that city. Hearing a license from the judge of the Virginia Court of Appeals to practise law, he established himself in Lexington, Kentucky. He was without patrons, with out the countenance of influential friends, and destitute of the means of paying his weekly board. "I remember," says he in his speech of June, 1842, at Lexington, "how comfortable I thought I should be, if I could make £100 Virginia money per year; and with what delight I received the first fifteen shilling fee. My hopes were more than realized. I immediately rushed into a lucrative practice."

Before resuming the active responsibilities of his profession, he devoted himself with assiduity several months to his legal studies. Even at that period the bar of Lexington was eminent for its ability. Among its members were George Nicholas, James Hughes, John Breckenridge, James Brown, Wm. Murray, and others, whose reputation was sufficient to discourage the most stout-hearted competitor. But true genius is rarely unaccompanied by a consciousness of its power; and the friendless and unknown youth from Virginia fearlessly entered the field, which, to a less intrepid spirit, would have seemed pre-occupied. He soon commanded consideration and respect. He was familiar with the technicalities of practice; and early habits of business and application, enabled him to effect an easy mastery of the cases entrusted to his charge. His subtle appreciation of character, knowledge of human nature, and faculties of persuasion, rendered him peculiarly successful in his appeals to a jury; and he obtained great celebrity for his adroit and careful management of criminal cases.

An anecdote is related of him about the time of his first entrance upon his profession, which shows that, notwithstanding his fine capacities, he had some native difficulty to overcome before they were fairly tested. He had joined a debating society, and at one of the meetings the vote was about to be taken upon the question under discussion, when he remarked in a low but audible whisper, that the subject did not appear to him to have been exhausted.

"Do not put the question yet—Mr. Clay will speak," exclaimed a member, who overheard the half-hesitating remark.

The chairman instantly took the hint, and nodded to the young lawyer in token of his readiness to hear what he had to say. With every manifestation of extreme embarrassment, he rose, and, in his conclusion, began by saying: "*Gentlemen of the Jury*—unconsciously addressing his fellow members as the tribunal, to which he had perhaps often made imaginary appeals in his dreams of a successful debut at the bar. His audience did not add to his agitation by seeming to notice it, and after flourishing and blushing for a moment or two, and stammering out a repetition of the words "*Gentlemen of the Jury*," he suddenly shook off all signs of distress and timidity, and launched into his subject with a promptitude and propriety of elocution, which excited general surprise.

To those familiar with the perfect self-possession of Mr. Clay's manner in after life upon all occasions, the most trying and unexpected, this instance will present an amusing contrast; for the evidence is not on record of his ever having failed for an instant in his resources of repartee or argument in debate. Shortly after this early essay in public speaking, he was admitted as a practitioner before the Fayette Court of Quarter Sessions, a court of general jurisdiction. Business soon poured in upon him, and during the first term he had a handsome practice. His manners and address, both in personal intercourse and before a jury, were unusually captivating. Frank in avowing his sentiments, and bold and consistent in maintaining them, he laid the foundation of a character for sincerity and honor, which, amid all the shocks of political changes and the scurrilities of party warfare, has never been shaken or polluted. In the possession of these attributes, beyond the reach of calumny or question, it is to be found the secret of that invulnerable attachment among the vast body of his friends, which he followed him throughout his career.

One of the most important cases, in which Mr. Clay was engaged during the

first three or four years of his professional life, was that in which he was employed to defend a Mrs. Phelps, indicted for murder. This woman was the wife of a respectable farmer, and had hitherto led a blameless and correct life. One day, in her own house, taking some offence at Miss Phelps, her sister-in-law, she leveled a gun, and shot her through the heart. The poor girl had only time to exclaim, "Sister, you have killed me," and expired. Great interest was excited in the case, and the court was crowded to overflowing on the day of trial. Of the fact of the homicide there could be no doubt. It was committed in the presence of witnesses, and the only question was, to what class of crimes did the offence belong. If it were pronounced murder in the first degree, the life of the wretched prisoner would be forfeit; but, if manslaughter, she would be punished merely by confinement in the goal or penitentiary. The legal contest was long and able. The efforts of the counsel for the prosecution were strenuous and earnest; but Mr. Clay succeeded not only in saving the life of his client, but so moved the jury in her behalf by his eloquence, that her punishment was made as light as the law would allow. He gained much distinction by the ability he displayed in this case, and thenceforth was considered a great object to enlist his assistance in all criminal suits on the part of the defendant. It is a singular fact, that in the course of a very extensive practice in the courts of criminal jurisdiction, and in the defence of a large number of individuals arraigned for capital offences, he never had one of his clients sentenced to death.

Another case, in which he acquired scarcely less celebrity, was shortly afterwards tried in Harrison county. Two Germans, father and son, had been indicted for murder. The deed of killing was proved to the entire satisfaction of the Court, and was considered an aggravated murder. Mr. Clay's efforts were therefore directed to saving their lives. The trial occupied five days, and his closing appeal to the jury was of the most stirring and pathetic description. It proved irresistible; for they returned a verdict of manslaughter. Not satisfied with this signal triumph, he moved an arrest of judgment, and, after another day's contest, prevailed in this also. The consequence was, that the prisoners were discharged without even the punishment of the crime, of which the jury had found them guilty.

An amusing incident occurred at the conclusion of this trial. An old, withered, ill-favored German woman, who was the wife of the elder prisoner, and the mother of the younger, on being informed of the success of the final motion for an arrest of judgment, and the consequent acquittal of her husband and son, ran toward the young advocate in the excess of her gratitude and joy, and throwing her arms about his neck kissed him in the eyes of the crowded court. Although taken wholly by surprise, and hardly flustered by blarney from such a source, young Clay acquitted himself upon the occasion with a grace and good humor, which won him new applause from the spectators. All great emotions claim respect; and in this instance so far did the sympathies of the audience go with the old woman as to invest of ridicule an act, which, in the recital, may seem to have partaken principally of the ludicrous.

Notwithstanding his extraordinary success in all the criminal suits entrusted to him, the abilities displayed by Mr. Clay at this period in civil cases were no less brilliant and triumphant. In suits growing out of the land laws of Virginia and Kentucky, he was especially distinguished; rapidly acquiring wealth and popularity by his practice. It is related of him, that on one occasion, in conjunction with another attorney, he was employed to argue, in the Fayette Circuit Court, a question of great difficulty—one, in which the interests of the litigant parties were deeply involved. At the opening of the court, something occurred to call him away, and the whole management of the case devolved on his associate counsel. Two days were spent in discussing the points of law, which were to govern the instructions of the Court to the jury, and on all of the points, Mr. Clay's colleague was foiled by his antagonist. At the end of the second day, Mr. Clay re-entered the court. He had not heard a word of the testimony, and knew nothing of the course which the discussion had taken, but, after holding a very short consultation with his colleague, he drew up a statement of the form in which he wished the instructions of the Court to be given to the jury, and accompanied his petition with a few observations, so entirely novel and satisfactory, that it was granted without the least hesitation. A corresponding verdict was instantly returned; and thus the case, which had been on the point of being decided against Mr. Clay's client, was decided in his favor in less than half an hour after the young lawyer had entered the Court-house.

For an enumeration of the various cases in which Mr. Clay was about this time engaged, and in which his success was marked, as his talents were obvious, we must refer the curious reader to the records of the courts of Kentucky, and hasten to exhibit the subject of our memoir on that more extended field, where his history began to be interwoven with the history of his country, and a whole nation hailed him as a champion worthy of the best days of the republic. As early as 1797, when the people of Kentucky were about electing a convention to form a new constitution of that state, Mr. Clay may be said to have commenced his political career. His first efforts were made in behalf of human liberty, and at the risk of losing that breeze of popular favour, which was bearing on his back bravely toward the haven of worldly prosperity and renown.

The most important feature in the plan for a new constitution, submitted to the people of Kentucky, was a provision for the prospective eradication of slavery from the state by means of a gradual emancipation of those held in bondage. Against this proposal a tremendous outcry was at once raised. It was not to be questioned that the voice of the majority was vehemently opposed to it. But young Clay did not hesitate as to his course. "In that spirit of self-sacrifice, which he has since displayed in so many great public emergencies, without stopping to reckon the disadvantage to himself, he boldly arrayed himself on the side of those friendly to emancipation. In the canvass, which preceded the election of members of the convention, he exerted himself with all the energy of his nature in behalf of that cause, which he believed to be the cause of truth and of justice. With his voice and pen he actively labored to promote the choice of delegates, who were pledged to its support. He failed in the fulfilment of his philanthropic intentions; and incurred temporary unpopularity by his course. Time, however, is daily making more apparent the wisdom of his counsel."

Mr. Clay has not faltered in his views upon this great question. They are now what they were in 1797. In maintaining the policy of this scheme of gradual emancipation he has ever been fearless and consistent. Let it not be imagined, however, that he has any sympathy with that incendiary spirit, which would seem to actuate some of the clamorers for immediate and unconditional abolition at the present time. His views were far-sighted, statesman-like and sagacious. He looked to the general good, not merely of his contemporaries, but of posterity; and his plan stretched beyond the embarrassment of the present hour into the future. A more just, practicable and beneficial scheme than his, for the accomplishment of a consummation so devoutly to be wished by humanity at large, could not have been devised.

It resembled that adopted in Pennsylvania in the year 1780 at the instance of Dr. Franklin, according to which the generation in being were to remain in bondage, but all their offspring, born after a specified day, were to be free at the age of twenty-eight, and in the mean time, were to receive preparatory instruction to qualify them for the enjoyment of freedom. Mr. Clay thought with many others, that as the slave states had severally the right to judge, every one exclusively for itself, in respect to the institution of domestic slavery, the proportion of slaves to the white population in Kentucky at that time was so inconsiderable, that a system of gradual emancipation might have been adopted without any hazard to the security and interests of the commonwealth.

Notwithstanding the failure of his exertions in arresting the continuance of negro servitude in Kentucky, he has never shrunk from the avowal of his sentiments upon the subject, nor from their practical manifestation in his professional and political career. For several years, whenever a slave brought an action at law for his liberty, Mr. Clay volunteered as his advocate; and he always succeeded in obtaining a decision in the slave's favor. Oppression in every shape would seem to have roused the most ardent sympathies of his soul, and to have enlisted his indignant eloquence in behalf of its unfriended object. The impulses, which urged him at this early day to take the part of the domestic bondsmen of his own state, were the same with those which blazed forth with such volcanic brilliancy when the questions of recognizing South American and Grecian independence were presented to the consideration of a tardy and calculating Congress.

During the administration of John Adams in 1798-9, the famous alien and sedition laws were passed. The popular opposition with which these extraordinary measures were received, is still vividly remembered in the U. States. By the "alien law," the president was authorized to order any alien, whom "he should judge dangerous to the peace and safety" of the country "to depart out of the territory within such time" as he should judge proper, upon a penalty of being imprisoned for a term not exceeding three years, &c.

The "sedition law" was designed to punish the abuse of speech and the press. It imposed a heavy pecuniary fine and imprisonment for a number of years, upon such as should combine or conspire together to oppose any measure of government upon such as should write, print,

utter, publish, &c., any false scandalous and malicious writing against the government of the United States or the President, &c.

Mr. Clay stood forth one of the earliest champions of popular rights in opposition to these memorable laws. Kentucky was one of the first States that launched their thunders against them; and though many speakers came forward to give expression to the indignation which was swelling in the public heart, none succeeded so well in striking the responsive chord as our young lawyer. He was soon regarded as the leading spirit of the opposition party; and it was about this time that the title of "the great commoner" was bestowed upon him.

A gentleman, who was present at the meeting where these obnoxious laws were discussed, describes the effect produced by Mr. Clay's eloquence as difficult adequately to describe. The populace had assembled in the fields in the vicinity of Lexington, and were first addressed by Mr. George Nicholas, a distinguished man, and a powerful speaker. The speech of Mr. Nicholas was long and eloquent, and he was greeted by the most enthusiastic cheers as he concluded. Clay being called for, promptly appeared, and made one of the most extraordinary and impressive harangues ever addressed to a popular assembly. A striking evidence of its thrilling and effective character may be found in the fact that when he ceased there was no shout—no applause. So eloquently had he interpreted the deep feelings of the multitude, that they forgot the orator in the absorbing emotions he had produced. A higher compliment can hardly be conceived. The theme was a glorious one for a young and generous mind, filled with ardor in behalf of human liberty—and he did it justice. The people took Clay and Nicholas upon their shoulders, and forcing them into a carriage, drew them through the streets, amid shouts of applause. What an incident for an orator, who had not yet completed his twenty-second year!

Four years afterwards, when Mr. Clay was absent from the county of Fayette at the Olympian Springs, he was brought forward, without his knowledge or previous consent, as a candidate, and elected to the General Assembly of Kentucky. He soon made his influence felt in that body. In 1804, Felix Grundy, then an adroit and well known politician, made an attempt in the Legislature to procure the repeal of a law incorporating the Lexington insurance Office. He was opposed at every step by Mr. Clay; and the war of words between the youthful debaters drew to the House throngs of spectators. Grundy had managed to secure beforehand a majority in his favor in the House, but the members of the Senate flocked in to hear Clay speak, and so cogently did he present the impolicy and unconstitutionality of the measure under discussion, that they refused to sanction it after it had been passed by the other branch—and a virtual triumph was thus obtained.

It is recorded of Mr. Clay, that, in the course of the legislative session of 1805, he made an effort to procure the removal of the seat of government from Frankfort; and his speech on the occasion is said to have been an inimitable specimen of argument and humor. Frankfort is peculiar in its appearance and situation, being sunk, like a huge pit, below the surrounding country, and environed by rough and precipitous ledges. "We have," said Mr. Clay, "the model of an inverted hat. Frankfort is the body of the hat, and the lands adjacent are the brim. To change the figure, it is nature's great penitentiary; and if the members of this House would know the bodily condition of the prisoners, let them look at these poor creatures in the gallery."

As he said this he pointed with his finger to half a dozen figures that chanced, at that moment, to be moving about in the gallery, more like animated skeletons than respectable compounds of flesh and blood. The objects thus designated, seeing the attention of the whole assembly suddenly directed towards them, dodged, with ludicrous haste, behind the railing, and the assembly was thrown into a convulsion of merriment. This argumentum ad hominem proved irresistible. The members of the house agreed that it was expedient to remove the seat of Government, but it was subsequently found impossible to agree upon a new location, and the Legislature continues to hold its sessions at Frankfort.

It was an early resolution of Mr. Clay, that no litigant, rich or poor, should have occasion to say that, for the want of counsel he could not obtain justice at every bar where Mr. C. could appear for him. Col. Joseph Hamilton Davies, at that time United States District Attorney, and a man of influence and distinction, had committed an assault and battery on Mr. Bush, a respectable citizen, and a tavern-keeper at that place. The bar at Frankfort declined instituting an action for the assault against Col. D. He appealed to Henry Clay, who promptly undertook the case, and brought the suit in Lexington. In the argument of a preliminary question, Mr. Clay felt it his duty to at-

tempt, with some severity, upon the conduct of Col. D., who, after the adjournment of the Court, addressed a note to him, remonstrating against his course, and expressing a wish that it should not be repeated in. Mr. Clay immediately replied, that he had undertaken the cause of Mr. Bush from a sense of duty; that he should submit to no dictation as to his management of it, which should be according to his own judgment exclusively; but that he should hold himself responsible for whatever he did or said, in or out of court. A challenge ensued, Mr. Clay accepted it, and proceeded to Frankfort for the hostile meeting to which he had been invited. There, by the interposition of mutual friends, the affair was accommodated in a manner honorable to both parties.

In the autumn of 1806, the celebrated Aaron Burr was arrested in Kentucky, on a charge of being engaged in an illegal warlike enterprise. The sagacity and penetration of that extraordinary man were indicated in his application to Mr. Clay to defend him. Mr. Clay believed, and it was generally believed in Kentucky, that the prosecution was groundless, and was instituted by Col. Davies, whom we have already mentioned, who was a great admirer of Col. Hamilton, and who disliked Burr because he had killed Hamilton in duels, and was, moreover, opposed in politics. Mr. Clay felt a lively sympathy for Col. Burr, on account of his being arrested in a State distant from his own, on account of his misfortune, and the distinguished station he had filled. Still he declined appearing for him, until Burr gave him written assurances that he was engaged in no enterprise forbidden by law, and none that was not known and approved by the Cabinet at Washington. On receiving these assurances, Mr. Clay appeared for him; and thinking that Burr ought not to be dealt with as an ordinary culprit, he declined receiving from him any fee, although a liberal one was tendered.

Burr was acquitted. Mr. Clay shortly after proceeded in Washington, and received from Mr. Jefferson an account of the letter in cipher, which had been written by Burr to Gen. Wilkinson, and other information of the criminal designs of Burr. Mr. Clay handed the written assurances above mentioned to Mr. Jefferson at the request of the latter.

On his return from Ghent, Mr. Clay made a brief sojourn in the city of New York, and among other places of interest, visited the Federal Court, then in session, escorted by his friend, the late Mr. Smith, then Marshall, formerly a Senator from New York. On entering the court-room, in the City Hall, the eyes of the bench, bar, officers, and attendants upon the court, were turned upon Mr. C. who was invited to take a seat on the bench, which he politely declined, and took a position in the bar. Shortly after, a small gentleman, apparently advanced in years, and with bushy, gray hair, whom Mr. Clay for an instant did not recognize, approached him. He quickly perceived it was Col. Burr, who tendered his hand to salute Mr. Clay. The latter declined receiving it. The Colonel, nevertheless, was not repelled, but engaged in conversation with Mr. Clay, remarking, that he had understood that, besides the treaty of peace, the American Commissioners had negotiated a good commercial convention with Great Britain. Mr. Clay replied coldly, that such a convention was concluded, and that its terms would be known as soon as it was promulgated by public authority. Col. B. expressed a wish to have an hour's interview with him, and Mr. C. told him where he stopped—but the Col. never called.

The *Table Mountain*, in Pendleton district, South Carolina, is an awful precipice of nine hundred feet. Very few persons who have once cast a glimpse into the almost boundless abyss, can ever again exercise sufficient fortitude to approach the margin of the chasm: almost every one looking over involuntarily falls to the ground, senseless and hopeless, and would inevitably be precipitated and dashed to atoms, were it not for the measures of caution and security that have always been deemed indispensable to safe indulgence to the curiosity of the visitor and the spectator. Every one on proceeding to the spot whence it is usual to gaze over the wonderful deep, has in his or her imagination a limitation, graduated by reference to distances with which his eye has been familiar; but in a moment, eternity as it were, is presented to the astonished senses, and the observer is instantly overwhelmed. He soon recovers from the first surprise, and in a wild delirium surveys a scene which for a time he is unable to define by description or limitation.

ONE STORY.—We once knew a man who told only one story, and that was about a gun. His difficulty was to introduce this story; and he at last succeeded by the use of his foot. When sitting after dinner, he would stamp under the table, and create a hollow sound. Then, "God bless me! what's that—a gun? By the bye, talking about guns; and then came his story."