

CHAPTER XV

JOHN ADAMS KEEPS THE VICE PRESIDENCY

DE WITT CLINTON REENFORCES HIS UNCLE
THE LIVINGSTONS JOIN THE CLINTONS
THE "HAYES-TILDEN CONTROVERSY" OF 1792
CLINTON RENOMINATED FOR A SIXTH TERM
ISSUES AND RHYME IN 1792
JAY IS COUNTED OUT
BURR SUPPORTS THE GOVERNOR
CLINTON AND THE VICE PRESIDENCY
DEFEAT BY FOURTEEN VOTES
JOHN ADAMS IS PROFANE

THE first serious check in Clinton's political career came with Mr. Hamilton's amazing victory at Poughkeepsie in 1788. The second check, as we shall see, was Mr. Jay's moral victory at the polls in the gubernatorial election of 1792. The governor's luck was deserting him. Federalism was in the ascendancy; politics was assuming new refinements and a new and involved technique that the now elderly governor did not quite understand. Clearly he needed a lieutenant who could lead him through the maze of practical politics.

George Clinton's nephew, DeWitt, the son of General James, had attended Columbia for two years; he had read law for three years in the Broadway office of that distinguished Antifederalist and ex-Loyalist, Samuel Jones; and had passed his law examinations "very reputably" early in 1790. The governor wrote General James that he had hardly expected DeWitt to do so well in certain practical parts of the examination as the boy had paid so much attention to the principles of law. Apparently General James intended DeWitt

to return to little Britain to practice and to instruct his brother George. The governor objected strenuously, stressing DeWitt's abilities and his need for the contacts and experience that the city could offer to the young lawyer who had hitherto devoted himself entirely to books and treatises. There was, he said, danger of DeWitt's becoming "rusticated." He believed that he could be of service to the young lawyer.¹ It was finally arranged that DeWitt was to remain in New York City as his uncle's secretary. That decision made history.

The governor's decision in 1790 to retain DeWitt as his personal secretary did not, of course, mark the beginning of that portentous political comradeship between the two men that lasted as long as the governor lived. For DeWitt had already lived several years with his uncle in Queen Street, had been thoroughly saturated with the governor's views on all manner of political and economic subjects, and had more than once been able to serve him as in the writing of letters for the newspapers during the bitter campaign of 1788. He was already an outspoken Antifederalist and critic of Hamiltonian finance. He objected, for instance, to an order of the Supreme Court "That all process shall run in the name of the President," as smacking too strongly of monarchy.² DeWitt was still a very young man—scarcely more than a boy, but he was fast learning practical politics. He was the man that his uncle needed.

DeWitt, who was only twenty-two in 1791, was probably not responsible for that somewhat questionable deal that brought about the defeat of United States Senator Philip Schuyler. Schuyler was austere and a rabid partisan; in consequence he was not always popular, and he had alienated some moderates such as Chancellor Livingston by his dogged support of Hamilton's financial measures. It is likely, however, that the principal reason for the defection of the great Livingston clan, that caused Schuyler's defeat, was the failure of Hamilton and his Federal associates to satisfy the political ambitions of the Livingstons. Neither the Federalists in control of the New York legislature nor the Washington administration had recognized the Chancellor's claims to

¹ George to James Clinton, Apr. 27, 1790, State Museum, Newburgh.

² Dorothe Bobbé, *DeWitt Clinton*, 47-62; David Hosack, *Memoir of DeWitt Clinton*, 28-30.

high office and the lesser members of the family had been generally neglected. The Clintonians, on the other hand, having lost control of the legislature, needed allies who controlled votes. Burr saw possibilities in the situation. The outcome was that the Hamiltonians were caught napping; the thirty-four year old Burr was elected to the Senate in the place of Schuyler by a combination of Clinton and Livingston votes; and Morgan Lewis, brother-in-law of Chancellor Livingston, received Burr's office of attorney general.³ This was a revolution in party politics. The Livingstons were never to return to the Federalist fold. Clinton's magnanimity in appointing Burr attorney general in spite of his defection in 1789, had borne fruit.

The "Hayes-Tilden controversy" of Clinton's career occurred the next year, 1792. The governor was still the outstanding figure of his party north of Virginia. He had opposed Hamilton's funding measures and had been suspected of fostering anti-Hamilton sentiment by writing Antifederalist papers for publication.⁴ But if he was to succeed John Adams as vice president in 1793, he must show in the gubernatorial elections of 1792 that he could carry his own state.

There were four principal contenders for the governorship. Senator Aaron Burr was more than ready to accept the nomination. He was named by a group of his friends meeting in New York City; his candidacy was announced in the papers; and it was only after both the Clintonians and Federalists had nominated that he discovered that he was unwilling to run.⁵ Naturally, Hamilton, Schuyler, whom Burr had replaced in the Senate, and Clinton, whom Burr now wished to replace, did nothing to support his candidacy. Judge Robert Yates, the Federalist candidate of 1789, was also seriously considered for the nomination, and it was not until February 9 at a meeting in New York that he announced that he would not stand. The meeting then voted against the renomination of Clinton and Van Cortlandt, and nominated Hamilton's candidates, John Jay and the young patroon, Stephen Van

³ I. J. Cox, "Aaron Burr," in *Dictionary of American Biography*; Hammond, *New York*, I, 50f., 107; Alexander, *New York*, I, 49.

⁴ For Clinton's political activities, see, e.g., Maclay, *Journal*, p. 194; and printer's bill of May, 1790 in Clinton Papers, Albany, Miscellaneous.

⁵ S. B. Webb, *Correspondence*, III, 175f.; Cheetham, *View of the Political Conduct of Aaron Burr*, 17f.

Rensselaer. Six days later "at a Meeting of a respectable number of Freeholders from various parts of the state at Corr 's Hotel" in New York, the governor and lieutenant governor were renominated to succeed themselves.⁶

The campaign was a bitter one. The two parties were organized with numerous committees of correspondence in the various counties and towns meeting frequently and hurling broadsides and open letters at their opponents. The Livingstons, again neglected by the Hamiltonians, deserted in a body to Clinton. The supporters of Yates turned to Jay.⁷ Otherwise the party cleavages were similar to the divisions of 1788 and 1789. The issues were not always clear, for although the Clintonians condemned Jay on the ground that he represented the classes of leisure, wealth, and privilege, the Federalists countered with suggestions that Clinton had betrayed his people. He had allied himself with the lordly Livingstons; he had used state patronage to feather his own nest; and he had been found favoring his friends with enormous grants of public lands at nominal rates. Alexander Macomb in particular had been allowed to purchase over 3,600,000 acres at 8 d. each. The commissioners of the land office, of whom the governor was one, were accused in the state Assembly of indiscretion if not corruption; and although they were absolved a few days before the elections, many took the accusations seriously and the story survived to pester the governor in later years.⁸ It was unfortunate that Clinton was to be connected, even so indirectly, with the great speculative disasters of 1792 that brought Macomb, Duer, and many other proud names to bankruptcy and jail.

The newspaper poets came to the assistance of their respective candidates. Typical was the effusion of "A Friend to Freedom" whom we may suspect of having been a Jay man, in the *Advertiser*:⁹

"Three years I lay me down to sleep,
Clinton I pray the state may keep,
If I should oversleep my time,
Clinton the state be wholly thine . . .
That man's a sycophant or fool,

⁶ *New York Daily Advertiser*, February 17, 25, 28, 1792; S. B. Webb, *op. cit.*, III, 175.

⁷ *Ibid.*, 175f.

⁸ *Daily Advertiser*, March and April, 1792; Jefferson, *Writings*, Ford, ed., VI, 94.

⁹ Quoted in Monaghan's *Jay*, 331-32.

Who thinks that Clinton should not rule:
The Hessian fly Clinton can kill,
Our floods with fish and oysters fill,
Can bid our rivers ebb and flow,
Can call down rain, or dew, or snow;
Can legislate our wives with child;
Can make dame fortune harsh or mild;
Can take the Congress by the nose,
If, as they may, become our foes;
Can feed us, clothe us, give us drink,
Can talk for us, and for us think.
Jay is in all things the reverse,
A tool, a blockhead, sour, perverse;
Keeps up with friends eternal strife,
And scarcely deigns to kiss his wife;
Hates that the African should groan,
And kindly listens to his moan. . . .
Should Jay get in the state must tumble;
Hawl in her horns, eat pye that's humble;
Be scalp'd by Indians every night;
Live all the day in fear and fright; . . .
Be sold to Congress for a trifle,
For Hamilton to strip and rifle; . . .
Be branded, whip'd, like southern slaves,
Forc'd [to] hang ourselves, then dig our graves!"

Jay was accused of being the candidate of those who held fast to the wigs, silks, buckles, and other trappings of aristocracy and snobbery. He had enjoyed the generous emoluments of federal office, the ease of foreign courts, and the favors of the Secretary of the Treasury. In a typical letter to the press,¹⁰ one of his opponents announced that he would support Clinton "because the principles of republican independence are struck at: because the officers of the United States, not content with the pageantry and glitter of their own court, and the infinity of offices, that their measures daily create, eagerly and systematically grasp at the little pittance they have left the separate states; and because, in conformity to the fashionable tenets of advancing the rich and *well born*, he sees a young man of 25 [Stephen Van Rensselaer], without any other pretensions than those which his estate

¹⁰ *Daily Advertiser*, March 1, 1792.

and his relation to the Secretary gave him, led forward by Mr. Jay to the seat which has so long and worthily been occupied by an old and distinguished servant of the people." Jay was the candidate of the Tories of 1776,¹¹ it was said, and of those who believed that property should rule and that the unprivileged should remain unenfranchised. It was also objected that Jay, recently president of the Manumission Society, desired "to rob every Dutchman of the property he possesses most dear to his heart, his slaves . . ." ¹² Jay was one of the finest figures of eighteenth century New York, and it was unfortunate that the rift between him and Clinton should be widened by the professional calumniators on both sides.

The success of Clinton's administration in avoiding virtually all direct taxation was probably a more important issue than the campaign literature indicated. From the late eighties to 1797, when Clinton was no longer governor, there was an annual surplus of revenues over expenditures. Small sources like auction duties and peddler's licenses contributed to meet the modest expenses of the state, but the sale of public lands and, in the nineties, the income from state funds carefully invested, furnished the bulk of the revenues. The assumption of state debts by the central government in 1791 was a boon to New York, the largest debtor. There were no debt payments until the Jay administration created a debt, and there was no state tax until 1800. While Clinton was in office the ordinary expenses of government never in any year reached \$300,000.¹³ A state which in 1792 could invest a surplus of over half a million dollars, derived for the most part from the sale of public lands, was naturally reluctant to risk a change of administration.

Nevertheless Clinton won only by a decision of the canvassers rejecting the votes of three counties—one of the scandals of early New York history.¹⁴ Of the three rejected counties, Otsego County was decisive. There the Jay forces claimed a majority of six to eight hundred while Clinton's majority in the entire state was only slightly

¹¹ *Albany Gazette*, July 30, 1792.

¹² Jay, *Correspondence*, III, 413.

¹³ Don C. Sowers, *Financial History of the State of New York*, 133, 140-41, 228, 257, 302-06, 324.

¹⁴ Clinton won by 108 votes.

over one hundred. It seems, however, that the term of the sheriff of Otsego, whose deputy brought the county's votes to the office of the secretary of state, had expired, and, through certain machinations of Judge Cooper, the Federalist "Bashaw of Otsego," the newly designated sheriff had not received his commission.¹⁵ This, and the fact that the ballots were not delivered in one box as required by law, were the grounds on which the Otsego vote was rejected. The Tioga and Clinton County votes were rejected on similar grounds.

Naturally the Federalists were furious. "Clinton and his worthy adherents [the Livingstons] . . . these virtuous protecters of the rights of the people, of the enemies of aristocracy, and the declaimers against ministerial influence," were, wrote Troup to Jay, quibbling upon technicalities. Schuyler thought the Clintonians violated "every principle of propriety."¹⁶ And Jefferson wrote Madison from Philadelphia after digesting the latest New York news: "It does not seem possible to defend Clinton as a just or disinterested man if he does not decline the Office of which there is no symptom; and I really apprehend that the cause of republicanism will suffer and its votaries be thrown into schism by embarking it in support of this man, . . ." ¹⁷ Modern historians have been no kinder: Jay's best biographer has accused Clinton of "filching" the governorship in 1792.

The canvassers, a majority of whom were Clinton men, certainly came dangerously near to quibbling over technicalities in throwing out the returns from the three contested counties. They may very well, however, have been retaliating for the discriminations which the Clintonians were supposed to have suffered in Otsego at the hands of the influential Judge Cooper. "The Clintonians again tell strange tales about these votes of Otsego," wrote Jefferson.¹⁸ A tenant testified that Cooper "had been round to the people and told them that they owed him, and that unless they voted for Mr. Jay, he would ruin them."¹⁹ It was also claimed that Otsego ballot boxes were stuffed

¹⁵ Thomas Jefferson, *Writings*, Paul Leicester Ford, ed. (10 vols., New York, 1892-99), VI, 93.

¹⁶ Jay, *Correspondence*, III, 424; MS letter, Schuyler to Stephen Van Rensselaer, May 19, 1792, in Library of Congress.

¹⁷ Jefferson, *Writings*, Ford, ed., VI, 89f.

¹⁸ *Ibid.*

¹⁹ Fox, *Aristocracy*, 140.

in favor of Jay.²⁰ The legislature later endeavored to impeach Judge Cooper for his election activities, and although the impeachment failed, it was concluded that the Judge's threats to his tenantry had gained 700 votes for the Federalists.²¹ There were other complaints that the landlords had interfered, and altogether too successfully, in the elections. Columbia County, dominated by the Livingstons, went for Clinton by a two to one vote; while Albany, Rensselaer, and Montgomery Counties, where Federalist landlords held sway, gave large majorities to Jay.

All in all, the gubernatorial elections of 1792 were one of the most regrettable episodes in New York history. Governor Clinton's reputation has suffered more from his acceptance of the verdict of the canvassers than from any other incident in his entire career, with the possible exception of his opposition to the federal Constitution. Yet it must be admitted that his position in 1792 was much like that of Rutherford B. Hayes in 1876. Neither thought it his business to settle the contested election, and each refrained from interfering in the verdict.

It is of some interest that Senator Burr, between whom and Clinton there was little love lost, advised the canvassers that the Otsego votes should be thrown out. It had been suggested that New York's two senators, Burr and King, be invited to advise the canvassers, and although Burr was reluctant, King's insistence upon giving his opinion persuaded Burr. As the Federalist King contended that Jay had been elected, and as Burr dissented, the canvassers gained nothing by referring the dispute to the senators. Burr commented on the case in a letter he wrote on June 15:

It would, indeed, be the extreme of weakness in me to expect friendship from Mr. Clinton. I have too many reasons to believe that he regards me with jealousy and malevolence. Still, this alone ought not to have induced me to refuse my advice to the canvassers. Some pretend, indeed, but none can believe, that I am prejudiced in his favour. I have not even seen or spoken to him since January last.²²

²⁰ *Albany Gazette*, July 30, 1792.

²¹ *Journal of Assembly*, 1792-93, pp. 150, 186ff.

²² Matthew L. Davis, *Memoirs of Aaron Burr* (2 vols., New York, 1836-37), I, 357. Burr's statement, "The Reasons Assigned by the Majority of Canvassers," is printed in Davis, *Burr*, I, 346ff. The Assembly voted January 18, 1793, to uphold the decision of the canvassers. The statement of the canvassers appears in Hammond, *New York*, I, 65.

Burr had again thwarted Hamilton and yet he had not made a friend of Clinton.

When Jay first appeared in New York State after the verdict of the canvassers, he was given the reception of a victor. Such Federalist towns as Albany, Hudson, and New York City cheered, fêted, and dined him. Jay himself acted with becoming dignity, accepting the decision as definitive if unjust. Hamilton, the more vigorous partisan, urged that a spirit of dissatisfaction with the Clintonians be kept alive "for national purposes as well as from a detestation of their principles and conduct." He undoubtedly had the vice presidency in mind. Although "some folks are talking of conventions and the bayonet," he counseled moderation.²³

The sympathies of the state were not entirely with Jay, however. Even Albany celebrated the news of Clinton's election with salutes at four in the morning.²⁴ Dutchess County some months later defeated James Kent, candidate for Congress, largely on the ground that he had opposed Clinton.²⁵ The governor was dined by his friends in New York City on July 19 amid toasts to Washington, Jefferson, and the French Republic. Although other speakers denounced the machinations of the partisans of Jay, Clinton in his address made every attempt to be conciliatory and moderate.

Except for the unfortunate reverberations that followed the decision of the canvassers of the votes for governor, Clinton might in 1793 have succeeded Adams in the vice presidency.

Washington would of course be reelected in 1792. It was generally known, however, as early as June, 1792, that the opposition to the Federalist administration planned to unite on Clinton for the vice presidency.²⁶ Hamilton was warning Vice President Adams late in June that the Clinton candidacy was under way. "If you have seen some of the last numbers of the National Gazette [Freneau's]," Hamilton wrote Adams, "you will have perceived that the plot thickens, and that something like a very serious design to subvert the government

²³ Jay, *Correspondence*, III, 435; Hamilton, *Works*, Lodge ed., VIII, 269, 271.

²⁴ "Vanderkemp Papers," *Publications of Buffalo Historical Society*, II, 41.

²⁵ William Kent, *Memoirs and Letters of James Kent*, 42.

²⁶ Jefferson, *Writings*, Ford, ed., VI, 74; John Adams, *Works*, C. F. Adams, ed., VIII, 514.

discloses itself."²⁷ Consequently Hamilton concentrated during the summer on opposing the attempt "to subvert the government" by making Clinton vice president. But in September it was discovered that the greater menace, Burr, was a candidate. Dallas in Pennsylvania, Edwards in Connecticut, and friends like Nicholson and Willett in New York were working for Burr; and although some believed that Burr's activities were merely a diversion in George Clinton's favor, it soon became apparent that the Senator was a candidate in his own right.²⁸

By October it was by no means certain but that Burr might replace Clinton, and Clinton let it be known that he was not eager for the nomination.²⁹ "Mr. Clinton's success I should think very unfortunate," Hamilton wrote at the time. "I am not for trusting the government too much in the hands of its enemies. But still Mr. Clinton is a man of property, and in private life, as far as I know, of probity. I fear the other gentleman [Burr] is unprincipled, both as a public and a private man."³⁰ Burr had more strength than Clinton in New York City and probably also in New England, New Jersey, and Pennsylvania. There were party leaders like Jefferson and Monroe who felt that Clinton had lost caste by accepting the governorship, and who had no particular objection to Burr. Nevertheless, even Monroe advised strongly against the Burr candidacy on the grounds that Burr was young and untried and his political principles unknown.³¹ Jefferson and Patrick Henry seem to have agreed with Monroe, and since Virginia votes were essential, the Burr candidacy was abandoned.

As Washington's reelection was uncontested, the campaign of 1792 revolved about the candidates for the vice presidency. Other candidates, such as Thomas Mifflin, Samuel Adams, John Jay, and Thomas Jefferson, were mentioned; but by November it was apparent that either Adams or Clinton would be vice president.

The issue, it was maintained, was republicanism. Clinton had always

²⁷ *Ibid.*

²⁸ J. Q. Adams, *Writings*, W. C. Ford, ed. (7 vols., New York, 1913), I, 126; Hamilton, *Works*, Lodge, ed., VIII, 285.

²⁹ James Monroe, *Writings*, S. M. Hamilton, ed. (7 vols., New York, 1898-1903), I, 242.

³⁰ Hamilton, *Works*, Lodge, ed., VIII, 283.

³¹ *Ibid.*, p. 243.

been republican in sentiment and his maxim "had always been to keep the government connected with the people." Monroe wrote in all seriousness that "the partisans of monarchy are numerous & powerful."³² It was important therefore to oust Adams who, it was believed, was attached to all the baubles of the British constitution. According to Freneau, Bache and the other journalistic opponents of Adams, that gentleman's "Discourses of Davila" and "Defence of the American Constitutions" showed him in his true aristocratical colors. The Federalists had monopolized Federal office; they had lined their pockets through their financial measures; and they had involved the country in an orgy of speculation in lands and securities. An honest old soldier and democrat like Clinton was needed in the vice presidency.

The Federalists ridiculed the contention that Governor Clinton was now loyal to the federal Constitution. Federalist sheets like the *Gazette of the United States* maintained that he had tried to keep New York out of the Union. They accused him of having recently usurped the governorship of New York and, more significant politically, of being hostile to the Potomac site for the national capital.³³ His supporters were called the "Jackalls of Mobocracy," demagogues, and "abettors of anarchy and confusion." The Federalists did not claim that Adams was of common clay; and to them Clinton's advocacy of old-fashioned finance, simple republicanism, and popular rights, was reason enough why he should not become vice president.

Party alignments in the United States in 1792 were surprisingly clear-cut and generally recognized. The leaders of both groups corresponded constantly among themselves, made plans, arrived at common decisions, and prepared political material for pamphlet and newspaper publication. It was of course the group that Jefferson and his friends had fused together in Congress and in the states in opposition to the Hamiltonian program that supported the Clinton candidacy. These party leaders, especially in Virginia and New York, kept in touch with opposition statesmen from New Hampshire to Georgia, urging the election of anti-Hamiltonian congressmen and of electors hostile to

³² *Ibid.*, p. 238.

³³ John Dawson to Madison, November 12, 1792, MS, Library of Congress. See McMaster's account of the election, *People of the United States*, II, 86-88.

John Adams. Late in November Oliver Wolcott wrote that "it is now understood that a systematical effort has been made in every state, which has been conducted with great address and secrecy. The plan really is to elect George Clinton, and where a direct interest cannot be made in his favor, it is intended to diminish the votes for Mr. Adams. I think it is likely, unless some attention is given to the subject, that votes will be solicited for such men as Mr. Hancock, &c. &c. Not that they expect that any other effect will be produced than a plurality in favor of the real candidate."⁸⁴ The plans of the opposition were to the Federalists "insidious contrivances" and conspiracy. They feared Adams might really be defeated; and that gentleman, who frankly wished to be reëlected, was prevented only by Hamilton from sulking in his Quincy tent when Congress met.

If Clinton could have won fourteen more electoral votes from Adams, he would have been vice president. All the 21 electors of Virginia, the 12 electors of New York, the 12 of North Carolina, the 4 of Georgia, and one of Pennsylvania gave the governor their votes. Jefferson received 4 votes from Kentucky and Burr one from South Carolina. All the other vice presidential ballots, including the solid New England block, went to Adams, who was consequently reëlected by 77 votes to George Clinton's 50. For Clinton it was decidedly unfortunate that he did not enter the national political stage in 1793 at the vigorous age of 54 years instead of being forced to wait for national honors until he was 66. He aged more than most men do between 54 and 66, and when he finally arrived at the vice presidency he was too old to go on to the higher office as he might have done in 1797.

Nevertheless the closeness of the result was a great disappointment for Adams. When Langdon of New Hampshire commented to Adams in the Senate chamber about the size of the Clinton vote, Mr. Adams is said to have gritted his teeth and muttered, "Damn 'em, damn 'em, damn 'em! You see that an elective government will not do."⁸⁵

⁸⁴ George Gibbs, *Memoirs of Administrations of Washington and John Adams* (2 vols., New York, 1846), I, 83. See also J. Q. Adams, *Writings*, W. C. Ford, ed., I, 131; J. S. Bassett, *The Federalist System* (New York, 1906), 55.

⁸⁵ H. C. Lodge, *Life of George Cabot* (Boston, 1877), 60.