

## CHAPTER XXIV

### THE SENATE MOURNS

CLINTON SNUBS PRESIDENT MADISON  
THE VICE PRESIDENT IN THE OPPOSITION  
HE FINISHES OFF THE UNITED STATES BANK  
HE GIVES HIS REASONS  
ENCROACHMENTS OF AGE  
A FANCY FOR PEGGY O'NEALE  
DEATH AT WASHINGTON  
FAINT PRAISE FROM GOUVERNEUR MORRIS  
GEORGE CLINTON RETURNS TO KINGSTON

CLINTON was in no haste to take the oath of office. Probably he preferred not to be present on March 4 when the man his friends had for months been busy vilifying took the president's oath from Chief Justice Marshall. Instead it was John Milledge of Georgia, the president *pro tempore* of the Senate since Clinton's "retirement" at the end of January, who led the Senators into the hall of the Representatives where James Madison, dressed patriotically in a suit of American-grown merino wool, took the oath and harangued the assembled notables, including his great patron of Monticello.<sup>1</sup> The vice president was still absent when the Senate adjourned without day three days later, but he was present and took his oath of office when the Senate convened on May 22. Procrastination in taking the oath seems to have characterized the early history of the vice presidency for in this regard Clin-

<sup>1</sup> *National Intelligencer*, March 6, 1809; *Annals of Congress*, Senate, January 30, March 4, 1809.

ton may be classed with his predecessor John Adams and with his successors, Elbridge Gerry, Daniel D. Tompkins, Martin Van Buren, William R. King, and Andrew Johnson.<sup>2</sup>

Stirring as were the times and significant as were the debates in those critical years when the nation was balancing on the brink of war, the stodgy little Senate of the eleventh and twelfth Congresses was not an inspiring one. Its personnel and influence were still much inferior to those of the House and there is no evidence that the aging New Yorker enjoyed his task of presiding over its labors. His health was poor and he was often absent from its sessions and from Washington. In 1809 he was troubled with an inflammation of the eyes that made letter writing, a favorite occupation, difficult. He was seriously ill in the winter of 1810,<sup>3</sup> absent during several periods that winter, and absent again for over a week at the end of the session in February and March a year later. Later in 1810 he was greatly affected by the loss of his daughter, Cornelia Genêt, who had been very dear to him.

In spite of his reticence and of an increasing indifference towards politics, the vice president seems to have been a rallying point for the opposition as Calhoun had predicted. Some years later Gallatin, always a critic of Clinton, wrote that he had known "the effect of having had . . . Mr. Clinton, then a decided opponent of the Administration, in 1808 to his death."<sup>4</sup> "From my experience both when Mr. Jefferson was made Vice-President and when, in 1808, Mr. Clinton was reelected to the same office, I know that nothing can be more injurious to an Administration than to have in that office a man in hostility with that Administration . . ."<sup>5</sup> When Gallatin analyzed the "navy coalition," which early in 1809 supported a bill for enlarging the neglected navy, he found it included six of George Clinton's followers. Henry Adams pointed out that the Senate had an anti-administration cabal led by Giles of Virginia, which, if it could act with the Federalists, could control the Senate; and that to this group belonged the vice president, openly hostile, possessed of "strong quali-

<sup>2</sup> Robert W. Winston, *Andrew Johnson* (New York, 1928), 262.

<sup>3</sup> Draft letters in George Clinton Papers, Vol. XXX.

<sup>4</sup> Albert Gallatin, *Writings*, Henry Adams, ed. II, 298.

<sup>5</sup> *Ibid.*, 296.

ties," but, fortunately for the administration, too old for serious effort.<sup>6</sup>

Clinton felt that the party had repudiated him in denying him the presidency, and he believed himself free from all responsibility to that party. "They have wedded the Cause of Republicanism to the Measures of the Administration particularly the Embargo," he wrote to Anthony Lamb soon after the electors had cast their ballots, "and they [will sink] or swim together."<sup>7</sup> After Madison's election had become inevitable the not always charitable John Quincy Adams commented that:

If the Vice President and his *particular* friends have wavered a little more than they could justify to the sternest principles of patriotism upon the recent system of the present administration, the successful candidate and his friends should recollect the *peculiar* situation in which Mr. C. has been placed, and make allowances for the feelings of human nature.<sup>8</sup>

While the charitable historian may point out that Clinton's opposition was based upon sincere differences of policy as well as upon thwarted ambition, it is not easy to understand why, in the circumstances, he allowed himself to be reelected to the vice presidency.

Vice presidents seldom have opportunities to make history. Perhaps the only stroke of prime importance for which Clinton was responsible in the seven years of his vice presidency was the *coup de grâce* that he dealt to the first United States Bank. Always distrustful of banks and bankers he was able in 1811 to destroy the nation's first national banking system which he believed to have been unconstitutionally created for the benefit of the privileged minority.

Clinton's views on banks were a strange mixture of convictions on the dangers of concentrated wealth with practical politics. He distrusted all of New York's first three incorporated banks, the Bank of New York, the Bank of Albany, and the Bank of Columbia at Hudson. But all three of those banks were controlled by the Federalists. On the other hand, when Aaron Burr established his Man-

<sup>6</sup> *United States*, IV, 428.

<sup>7</sup> Letter of January 8, 1809; George Clinton Papers. The words given above in brackets are illegible in the MS.

<sup>8</sup> Adams, *Writings*, W. C. Ford ed., III, 261.

hattan Company under Republican auspices in 1799, Clinton was quick to see the need for such an institution which would extend credit to loyal members of his own party. He even invested in a block of its stock.<sup>9</sup> But he never whole-heartedly supported any other bank. He threw all his influence against Swartwout's attempt to get a charter for a new bank in New York City in 1803, informing that gentleman of his "uniform opposition to Banks as Great Evils in a Republic." At the same time he confided to DeWitt Clinton that he would consider the granting of such a charter "as the death Warrant of Republicanism in this State." And he could muster no enthusiasm for the establishment by his Republican friends of a new state bank at Albany in 1803—a stock jobbing project that succeeded.<sup>10</sup>

In casting his decisive ballot in the Senate against the United States Bank it may possibly have occurred to him that the institution he was destroying had been the creation of his once great rival, the first Secretary of the Treasury. But that vote was entirely consistent with his convictions on the subject of banks.

Unless its charter should be renewed, the bank would expire in 1811. It had operated successfully since 1791, but powerful interests were opposed to it. This was due in part to the rivalry of the now numerous state banks, to the belief that its stock was held largely in England, and to the personal unpopularity of its outstanding champion, Secretary of the Treasury Gallatin. It was perhaps not to be expected that any measure championed by Gallatin would receive Clinton's approval, and it was widely known that he did not approve.<sup>11</sup>

The votes which rejected the bill for the renewal of the bank charter in the House of Representatives in January 1811 were chiefly Republican.<sup>12</sup> The proponents then renewed the attack by introducing a similar bill in the Senate. The Federalists would support it as well as a few Republicans led by William H. Crawford of Georgia. If enough Republican apostates could be found, it would pass the Senate and the House might reconsider. But it was vigorously attacked

<sup>9</sup> Account book in George Clinton Papers.

<sup>10</sup> Correspondence between George and DeWitt Clinton in George Clinton Papers and DeWitt Clinton Papers.

<sup>11</sup> Henry Adams, *United States*, V, 337.

<sup>12</sup> J. A. Stevens, *Albert Gallatin* (Boston, 1884), 263. The vote was 65 to 64.

by Henry Clay and even by such friends of the President as Giles of Virginia, Samuel Smith of Maryland, and Leib of Pennsylvania. When the decisive vote was taken on February 20, it was found that seven Federalists and ten Republicans favored it and seventeen Republicans opposed. The resulting tie gave Clinton an opportunity to exercise one of the eleven casting votes of his vice presidency.<sup>13</sup> Clinton not only gave his vote against the bank but he justified it in a brief address to the Senate, a course that only one vice president, John Adams, had previously followed and that on only one occasion.<sup>14</sup>

Sixteen years later Henry Clay stated that he had assisted the white-haired vice president in drafting the funeral oration of the bank that he delivered in the Senate on that twentieth day of February 1811. The Kentuckian did not, however, maintain that the speech was his own, and if the sentiments it contained were Clay's, they were also Clinton's own. "Mr. Clay," wrote J. Q. Adams in 1825, "said that he wrote the speech of Vice-President George Clinton which he delivered in Senate upon giving the casting vote against the renewal of the old Bank of the United States. He said it was perhaps the thing that had gained the old man more credit than anything else he ever did. He had written it, but under Mr. Clinton's dictation, and he never should think of claiming it as his composition."<sup>15</sup>

The reasons given by Clinton for his veto of the bank bill were those of a strict constructionist. Throughout his life he had opposed centralization in government whether at London or the provincial capital at New York or at Washington; and in his reiteration of his convictions on that subject he ran true to form. He admitted, however, that Congress might under certain conditions have power to establish a bank, but he did not believe that the Congress could constitutionally "create a body politic and corporate [as contemplated by this bill], not constituting a part of the Government, nor otherwise responsible to it by forfeiture of charter, and bestow on its members privileges, immunities and exemptions not recognized by the laws of the States,

<sup>13</sup> The casting vote had been used by Vice President Adams 29 times; by Jefferson 3 and by Burr 3. *American Historical Review*, April, 1915, 571.

<sup>14</sup> *Ibid.* There were only two other cases to 1915.

<sup>15</sup> J. Q. Adams, *Memoirs*, VII, 64. Cf. Hammond, *New York*, I, 290, n.

nor enjoyed by the citizens generally." He did not doubt that Congress could "pass all necessary and proper laws for carrying into execution the powers specifically granted to the Government . . . ; but in doing so, the means must be suited and subordinate to the end." The power of creating corporations, he contended, was not generally granted and was "not accessorial or derivative by implication, but primary and independent." He could not believe that this construction of the Constitution would to any degree defeat its purposes. "On the contrary," he stated, "it does appear to me, that the opposite exposition has an inevitable tendency to consolidation, and affords just and serious cause of alarm. In the course of a long life I have found that Government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those which are incontestable; the former never fails to produce suspicion and distrust, while the latter inspires respect and confidence." If greater powers are needed for the attainment of the objects of government, the Constitution may be amended.<sup>16</sup> Here was an excellent statement of the position Jefferson had taken in 1791 in refuting Hamilton's contention that the bank could be properly established upon the doctrine of implied powers.

Gallatin, resenting his defeat on the bank issue and urging his resignation upon the President, attributed the fall of the bank in a large measure to the dissatisfaction of "the Clinton party" at Madison's elevation over Clinton in 1809.<sup>17</sup> Clinton's action on the bank received other unflattering comments. His ancient enemy in politics, Rufus King, announced that since the bank was doomed, he was not sorry that the vice president had "given it its Death blow—it has brought him out & shewn him such as we know him to be." Trumbull wrote indignantly from London: "Since the death of the United States Bank, how many must join with us in admiring the name of Clinton!!! *by their works ye shall know them.*"<sup>18</sup> The defeat of the bank did not increase the popularity of either of the Clintons in the Federalist camp. Yet among the Republicans there was an outburst of approval.

<sup>16</sup> *Annals of Congress*, Eleventh Congress, Third Session, February 20, 1811, p. 346.

<sup>17</sup> Gallatin, *Writings*, Henry Adams, ed. II, 441.

<sup>18</sup> Rufus King, *Life and Correspondence*, C. R. King, ed. V, 241, 245.

George Clinton had been true to the time-honored principles of Republicanism. He had not forgotten in his age the democratic impulses of his youth. Van Buren felt that "a large majority of the people" fully approved of the vice president's course and he rejoiced that the bank "received its *quietus* by the glorious casting vote of a Northern man."<sup>19</sup>

However much acclaim his vote on the bank may have brought the old patriot, it became more and more evident that his political career was nearly over and that his nephew was the only Clinton who might expect to be president. In spite of the opposition of the Martling men, who heartily disliked both Clintons,<sup>20</sup> DeWitt Clinton captured the lieutenant governorship in 1811, filled the state hierarchy with his followers, and was generally considered the outstanding anti-Madisonian candidate for the presidency. With enough Federalist support he might indeed be president. But neither the Madison Republicans nor the opposition seriously considered nominating the gouty old vice president for the highest office or renominating him for the second.<sup>21</sup> On the contrary, the politicians were busily wrangling over the vice presidency months before the electors were to meet and even, according to Mrs. Dolly Madison, while its neglected incumbent was on his death bed. "The Vice-President," she wrote on March 27, "lies dangerously ill, and electioneering for his office goes on beyond description—the world seems to be running mad, what with one thing or another."<sup>22</sup>

Clinton must have realized that, entirely aside from political considerations, his age alone prevented his aspiring to more political honors. He did not carry his seventy years any too gracefully. He found the labor of traveling back and forth between Casper's Kill and Washington most fatiguing, although he attributed it "to the extreme badness of the Road between this and Washington."<sup>23</sup> And he showed

<sup>19</sup> Martin Van Buren, *Autobiography*, John C. Fitzpatrick, ed. (Washington, 1920), 411, 631. See also P. B. Porter to DeWitt Clinton, Washington, February 23, 1811; DeWitt Clinton Papers.

<sup>20</sup> Fox, *Aristocracy*, 175.

<sup>21</sup> American Antiquarian Society, *Proceedings 1923* (Worcester, 1924), 370; G. Mumford to George Clinton, January 1812, George Clinton Papers.

<sup>22</sup> Allen C. Clark, *Life and Letters of Dolly Madison* (Washington, D.C., 1914), 130.

<sup>23</sup> To Genêt, March 3, 1811, Genêt Papers, Box 1802-43.

signs of that second childhood which may invite consideration and affection in private life but which received little sympathy in public. Jefferson told Rush in 1811 that, "It is wonderful to me that old men should not be sensible that their minds keep pace with their bodies in the progress of decay. Our old revolutionary friend Clinton, for example, who was a hero, but never a man of mind, is wonderfully jealous on this head. He tells eternally the stories of his younger days to prove his memory, as if memory and reason were the same faculty."<sup>24</sup> The loquacious old vice president must have cut a pathetic figure in Dolly Madison's gay Washington.

Clinton arrived at Washington in time for the opening of the session on November 4, 1811. He found comfortable lodgings at Mr. O'Neale's,<sup>25</sup> where he took a grandfather's fancy to the landlord's little daughter Peggy, a charming girl whose marriage to Secretary Eaton of Jackson's cabinet was later to make history. He informed his son, the ailing Washington, to whom he wrote frequently, that his health was good. But the session bored him. He told Betsy that he grew "very Tired of Confinement and Fatigue," and since he could see no end to the Congress, he would soon leave Washington. As was his custom when he was actually in Washington, he attended the Senate's sessions with conscientious regularity during the winter months and it was not until March 23 that his health kept him away. "The Vice President being indisposed, the Senate adjourned."<sup>26</sup> The next day the vice president was still absent and William H. Crawford was made president *pro tempore*.

It was soon known that the old New Yorker was critically ill. He was in his seventy-third year and not likely to withstand "the general decay of Nature" and the ravages of pneumonia. His son-in-law, Pierre Van Cortlandt,<sup>27</sup> the son of General Van Cortlandt who had been so long Clinton's lieutenant governor, was fortunately at the time in Washington as a member of the House; and this Van Cortlandt seems to have attended the old man faithfully and unremittingly during

<sup>24</sup> Jefferson, *Writings*, P. L. Ford ed. (New York, 1898), IX, 327.

<sup>25</sup> *National Intelligencer*, April 21, 1812. O'Neale's hotel was near the present corner of Twentieth and H streets N.W.

<sup>26</sup> *Annals of Congress*.

<sup>27</sup> Husband of Clinton's eldest daughter, Catharine.

the last weeks.<sup>28</sup> The governor's long years of public service ended at nine on the morning of Monday, April 20, 1812.<sup>29</sup>

The old patriot received the highest honors from the state and nation that he had served so long. Senator Crawford in announcing his death to the Senate declared that, "by this afflictive dispensation of Divine Providence the Senate is deprived of a President rendered dear to each of its members by the dignity and impartiality with which he has so long presided over their deliberations; and the nation bereaved of one of the brightest luminaries of its glorious Revolution."<sup>30</sup> The Senate met on Tuesday only to arrange for the funeral.<sup>31</sup> It was determined that the chair of the president of the Senate should be shrouded in black for the remainder of the session and that each Senator should wear crepe on his left arm for thirty days. On the same day at half past two a body of cavalry escorted the remains of the late vice president from Mr. O'Neale's to the Capitol. At four the funeral procession, which included cavalry, the marine corps, the Congressional chaplains, the family, the President of the United States, the members of Congress, the Cabinet and other officers of government, moved slowly to the Congressional Cemetery on the east side of Washington where the burial took place in the presence of more people than had ever before assembled in the capital city.<sup>32</sup> Men had always been attracted by George Clinton's fine masculinity and rugged integrity, and there were probably few in the little city of Washington, whatever their politics, who did not feel that they were witnessing the passing of a heroic figure.

New York paid its respects to its late governor on May 19 when an imposing military and civil procession wended its way from the City Hall to the Presbyterian Church in Wall Street. Suitable as was the Calvinist environment, most inappropriate was the selection of the orator for the occasion, Gouverneur Morris. Morris, who had never shared Clinton's sturdy democratic faith, himself admitted that his

<sup>28</sup> The Clinton Papers show that he paid the expenses of the illness.

<sup>29</sup> *National Intelligencer*, April 21, 1812.

<sup>30</sup> *Annals of Congress*, Senate, April 20.

<sup>31</sup> April 30 the Senate resolved to pay the expenses of the funeral from its contingent fund. *Annals of Congress*.

<sup>32</sup> *National Intelligencer*, April 21, 23, 1812; [Baltimore] *Weekly Register*, April 25, 1812.

oration was but coldly and indifferently delivered.<sup>88</sup> It was unsuitable enough that the man whose chief loyalties and endeavors had been for his state should be buried in far-away Washington; it was pathetic that his eulogy should be delivered by a man who had no desire to eulogize him.

Ninety-six years later, in 1908, New York again paid its respects to its first governor. The leaden casket and the modest monument with its quaint medallion were removed from the Congressional Cemetery on the Potomac and moved slowly in triumphal progress to New York City and up Clinton's beloved Hudson to Kingston where General Clinton first took his oath of office as governor of the state. There in the quaint old churchyard of the Dutch Church the monument still stands, bearing the inscription

To the Memory of George Clinton  
 He was Born in the State of New York on the  
 26th July, 1739, and Died at the City of  
 Washington on the 20th April, 1812,  
 In the 73d Year of his Age.  
 He was a Soldier and Statesman of the  
 Revolution, Eminent in Council, Distinguished  
 In War. He Filled with unexampled Usefulness,  
 Purity and Ability, Among Many other High  
 Offices, those of Governor of his  
 Native State, and Vice President  
 of the United States.  
 While He lived, His Virtue, Wisdom, and Valor  
 Were the Pride, the Ornament and Security  
 Of his Country, and when He Died, He  
 Left an Illustrious Example of a  
 Well Spent Life, Worthy of all  
 Imitation.  
 This Monument is Affectionately  
 Dedicated by his Children.

<sup>88</sup> Gouverneur Morris, *Diary and Letters*, A. C. Morris, ed. (2 vols., New York, 1888), II, 541.