

THE SOUTH CAROLINA HISTORICAL MAGAZINE

APRIL 1968

VOLUME 69

NUMBER 2



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THE SOUTH CAROLINA HISTORICAL SOCIETY
CHARLESTON, S. C.

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THE LETTERS OF WILLIAM LOUGHTON SMITH
TO EDWARD RUTLEDGE

June 8, 1789 to April 28, 1794

EDITED BY GEORGE C. ROGERS, JR.

(Continued from January)

This second group of Smith to Rutledge letters covers the year 1790. The principal story is that of the assumption of state debts by the new United States Congress. Smith was the South Carolina representative in Congress who was most responsible for securing the assumption of the relatively very large S. C. state debt. In these efforts he was almost completely successful. There is still no indication in these letters that Smith himself was a speculator.

The editorial rules that have been followed have been set forth at the beginning of this series in the January issue of this *Magazine*. Persons who have been identified in the first installment of this series will not be reidentified in this issue.

New York, January 16, 1790

My dear Sir,

Your last Letter has occasioned me no little embarrassment, for nothing could be more untimely than your observations on the Bankrupt Law. After all My pains & trouble & inquiries on the subject—after days & weeks have been spent in the acquisition of information on the subject & other days & weeks have afterwards been employed in drawing an endless Bill, when finally my Labors were so far crown'd with success as to have compleated the Bill & to have procured it the approbation of the Chief Justice of the United States¹ & I was ready to present it to the House, your Letter came upon me like a Clap of thunder & overturned in an instant all my projects; for I could never think of proceeding a step further in the business after reading your observations: I locked up my Bill in my Desk & I went to Congress determined to vote that the business of the last session was entirely done away & that every thing must originate de novo: I was fortunate enough to find a majority of that opinion & a vote passed which established the point that all Committees

¹ John Jay.

appointed last session are annihilated;² consequently I shall plead a release from the Duty imposed on me & leave the business to those who wish to amuse themselves with it; I have had my share.³

I must now however apologize to you for saying that your Letter was untimely—better late than never, & tho you would have saved me a world of trouble & a great waste of time, which I should have applied to more valuable purposes, had you communicated this information at an earlier period, yet I return you my thanks for having done it even at the last hour—Miserable should I have been had I made myself even the innocent instrument of destroying the tranquillity of my country and (with the best intentions) lent my assistance to distress my fellow-citizens! I communicated your Letter to Mr. Izard & we agreed to postpone the Bill for the present & wait better times when it may be more expedient—there is great force in your remarks & I shall avail myself of them, if called upon for the Bill—I know many people have been anxiously expecting it—some months ago I received a Letter, addressed to me by some debtors in the gaol of this City, inquiring why the Bill was not brought forward & assuring me that many distressed persons were looking up to it, as the term of their misery: But Charity begins at home, & I cannot think [for] a moment of contributing to the embarrassment of my constituents.

I have read your brother's ⁴ remarks on the Judiciary & will attend to them.

Pray Let me hear from you as soon as you can; I am extremely curious to receive a Letter from Columbia.⁵ Having many Letters to write by this Vessel & being much restricted as to time, I am under the necessity of deferring information on public matters. Mrs. Smith requests her Compliments to Mrs. Rutledge & I add my respectful ones. Henry is well—I have been much indisposed, but am recovered. With much regard I remain, Dear Sir, your affectionate Servant

Wm Smith

² There was a discussion concerning "unfinished business" in the House of Representatives on January 15. *Annals of the Congress of the United States* (Washington, 1834), I (first Congress), 1056-1058. (Hereinafter referred to as *Annals*.)

³ A federal bankruptcy law was not passed by Congress until 1800; it was repealed in 1803. Therefore bankruptcies were left to the control of state law. For a discussion of bankruptcy proceedings in S. C. see "Answer to Query No. 32," Report of William Ogilby, British Consul in Charleston, S. C., June 29, 1833, S. Caroliniana Library, Univ. of S. Carolina.

⁴ John Rutledge.

⁵ The state legislature of S. C. met on Jan. 4, 1790, in Columbia and completed its business by Jan. 20.

New York, February 13, 1790

My dear Sir,

Your attendance at Columbia has deprived me of the pleasure of your Correspondance for some time past, which I hope will soon be renewed.

The House have agreed to postpone the Bankrupt Law for the present. We are now very busy on the funding Plan⁶—an important & interesting subject.

Two days ago some Petitions were presented to the House from the Quakers of Philadelphia & N. Y. praying an abolition of the Slave Trade⁷—we thought it proper in the first instance to oppose even the commitment of them—our opposition was ineffectual—the Members who wished a commitment have however assured me that it was done purely out of compliment to the Petitioners & that they are sensible the House cannot in any respect interfere, except as to the duty of 10 dollars.⁸ We protested in the strongest terms against even committing them because the prayer was unconstitutional & it being proposed to refer them to a member from each State, we informed the house that on due consideration the Delegates from So. Carolina & Georgia had resolved not to sit on such Committee⁹—The Quakers [who] presented the Petitions were in the gallery [*indecipherable*]¹⁰ trimming.

I have to inform Mr. Drayton¹¹ that the Supreme Court have not fixed any thing as to the dress of the Courts, & that each District Court is to establish its own Seal. They have fixed the Seals of the Supreme Court & Circuit Courts according to the mode I suggested to Mr. Jay, as he yesterday informed me. You will see them in the papers—The Ch. Justice & Mr. Cushing are to ride the Eastern Circuit—Mr. Wilson & Blair the middle—Your Brother & Mr. Iredell (appointed vice Mr.

⁶ The House had received the secretary of the treasury's report on the public credit on Jan. 14, 1790. *Annals*, I, 1056. In this report Hamilton had suggested the funding of the foreign and domestic national debts as well as the assumption by the federal government of the state debts.

⁷ These are printed in *Annals*, I, 1181-1184, 1197-1198. Benjamin Franklin as president of the Pennsylvania Society for Promoting the Abolition of Slavery signed the memorial presented by that society.

⁸ According to the Constitution Congress might place a duty on the importation of Negro slaves, a duty, however, "not exceeding ten dollars for each person."

⁹ Smith protested forcefully several times in the House. *Annals*, I, 1184, 1188, 1191, 1204-1205.

¹⁰ A few words missing.

¹¹ William Drayton (1732-1790) was the first federal district judge for South Carolina.

Harrison, resigned) the Southern.¹² I have been admitted a Counsellor, they have seperated the business of Counsellor & Attorney.

We had a great deal of warm debate two days about these cursed negro Petitions, & I think we so effectually tired the members out & embarassed them that they will not be in a hurry to bring the subject on again. Mr. Izard & Maj. Butler were in the house during the debate—the former you may suppose was a not little displeased.

I find you had a short session at Columbia—I was delighted with the vote withholding pay¹³—it will have admirable effects.

The great question of discrimination is now before the House—Burke first moved it,¹⁴ I opposed it; before I had finished [my] speech, he withdrew the motion, which was renewed by Madison & will occasion considerable debate, but will be rejected—(the assumption of the State Debts Measures warm opposition—the Event is uncertain but I think will be carried)—I wish the Legislature of our State had come to some Vote on the Subject.

Mrs. Smith is getting better—She has been much indisposed. My Son is hearty.¹⁵

We request our best respects to Mrs. R.

I am, My dear Sir, with sincere regard, Your obliged friend

Wm Smith

New York, [February 26, 1790]¹⁶

My dear Sir,

Your letter arrived yesterday—I wish I had leisure to answer it fully at present but it is out of my power—your very affectionate congratulations & wishes have made impressions on me which pages would be necessary to communicate to you & which I should (hurried as I am)

¹² These were the six gentlemen to form the first Supreme Court of the United States: John Jay of N. Y., William Cushing of Mass., James Wilson of Penn., John Blair of Va., James Iredell of N. C., and John Rutledge of S. C., Robert Hanson Harrison of Maryland had refused a seat on the bench.

¹³ The S. C. legislature had voted 77 to 51 not to pay the members two dollars per day during attendance. Journal of the House of Representatives, 1790, S. C. Archives, pp. 41-44.

¹⁴ Burke had asked that in funding the domestic national debt "a discrimination be made between the original holders and their assignees. . . ." *Annals*, I, 1182.

¹⁵ Thomas Loughton Smith (died 1817) had, according to these letters, just been born.

¹⁶ The date is ascertained from internal evidence. No date appears at the head of the letter. It is endorsed "February 26."

be unable to express—give me then credit for every sentiment of gratitude which your expressions require on my part.

Snell arrived very opportunely¹⁷—we were on the subject of the assumption of the State Debts—Tucker was opposed to it in our house & Major Butler in the Senate—the proceedings of our State have put things to rights,¹⁸ & I have reason to hope the measure will be carried—it appears to me a glorious thing for So. Carolina—Mr. Izard communicated your Letter—Kean¹⁹ was present when it was read—we think you are mistaken in the supposed amount of our Credits & ultimate Ballance which will fall far short of £700,000. Kean has undertaken to explain the matter to you. I am delighted with the Columbia project & the compleat triumph our friends have had—the Ge[neral]²⁰ & yourself deserve the thanks of every goo[d ci]tizen for your [exertions.] I am sure I give mine most cordially. Persevere, my worthy friend, for I am confident the future happiness & honor of our State depend on rescuing the conduct of public affairs from persons who appear not [torn]²¹ & I hope no gentleman of the Law will stir a question so dangerous to the welfare of our country.

The members of Congress have never expressed any opinion unfavorable to the Installment Law. Whenever I have had an opportunity of introducing the subject, I have taken great pains to reconcile them to it & so successfully that every person I have spoken to have agreed with me that it was necessary & that it is not against the Constitution.²² Some time ago I received a Letter from John Nutt²³ abusing the Law

¹⁷ Capt. Snell was master of a vessel that made frequent trips between New York and Charleston. See George C. Rogers, Jr., *Evolution of a Federalist, William Loughton Smith of Charleston (1758-1812)* (Columbia, S. C., 1962, reprinted 1967), p. 201.

¹⁸ On Jan. 19 the S. C. House of Representatives resolved "That the Delegates of this State be and they are hereby instructed to apply to Congress to assume the Public Debts of this Country, and make provision for the payment of the same as part of the Debt of the Union it having been incurred in Consequence of the War between the United States and the Kingdom of Great Britain." *Journal of the House of Representatives, 1790*, S. C. Archives, pp. 82-83.

¹⁹ John Kean was a South Carolinian at home in the financial world of New York and Philadelphia. Rogers, *Evolution of a Federalist*, p. 230.

²⁰ General Charles Cotesworth Pinckney as well as Rutledge was a principal figure in the S. C. legislature.

²¹ A line is missing from the top of the page.

²² Presumably an argument might have been made against the state's installment law under Article I, section 10, of the federal Constitution which states that no state may pass a "law impairing the obligation of contracts."

²³ John Nutt was one of the principal British creditors. See Rogers, *Evolution of a Federalist*, *passim*.

terribly—I answered him & explained the matter so satisfactorily that in his reply he confessed himself persuaded that the measure was proper & even advantageous to the British Creditors.

I will endeavour to write you more fully by Motley²⁴ or Snell.

The opposition to the assumption comes chiefly from Maryland & Virginia—Pennsylvania, Massachusetts, Connecticut pretty unanimous for it, also—the better part of the New York Delegation—all So. Carolina—part of N. Hampshire—part of Jersey—Georgia dubious.

We had a considerable debate on a plan of discrimination but the measure had few supporters. After the question [of Assumption is disposed of] the amount of interest will create warm [debate]—but I beleive the Secretary's plan will go down—the Secretary says he has resources ready for the State Debts, without recurring to direct Taxation, but he thinks they ought not to be brought forward at present for fear of alarming [torn]²⁵

Wm Smith

[P. S.] Mrs. S. has been much indisposed but is recovering—my son is well. Mrs. S. feels very sensibly Mrs. Rutledge's congratulations & requests her best respects to which please to add mine—Your Son is well—& improves daily.

P. S. The question of assumption still under debate—various amendments are proposed by Madison, White, &ca. to embarass the business—White's amendment was lost by a great majority²⁶—Madison has proposed another which if agreed to will blow up the whole business²⁷—the difficulties are great—& after all, the State Creditors will receive nothing for two years. The New England people are against the Amendment warmly—they want no payment from Debtor to Creditor States—they say let Congress pay the State Debts, & on a final settlement of accounts pay the Creditor States whatever ballance they may be entitled to, out of the federal Treasury. The amendment requires that ballances shall be paid

²⁴ Captain Motley was another of the masters plying a vessel between New York and Charleston.

²⁵ A line is missing from the top of the page.

²⁶ Alexander White of Virginia did not want an assumption to take place until the settlement of accounts between debtor and creditor states had taken place. White's motion was defeated by a vote of 32 to 18 at the end of business on the 26th of February. *Annals*, I, 1340, 1377.

²⁷ Madison had wanted to lay down the general principles upon which settlement would take place "so as not to let the final settlement depend upon any subsequent provision of Congress." *Annals*, I, 1340.

from Debtor to Creditor States—if it is carried, I fear, the friends to the Assumption will then vote against it.²⁸

In my next [I hope] to inform you of our Success—we shall [torn]²⁹ even tho our People should [get] nothing for two years, yet [they would] be in a better plight than if they depended on the State, for there appears no disposition there to do them any Justice. The Virginians tell us that unless their amendments take place, the Creditor States will never receive their ballances—this is not improbable.

New York, February 28, 1790

I wrote my worthy friend a hasty Letter yesterday by Elliott³⁰—a little leisure on Sunday affords me an opportunity of writing more particularly.

The Bankrupt Law is laid asleep by general acquiescence—a motion was made at the begining of the Session to re-appoint a Committee to bring in a Bankrupt Law, but on my opposition was withdrawn—other important matters have thrown it entirely out of view.

You will remember when Ramsay & I had such a contest last year, he & his friends said there was no cause of apprehension that his sentiments respecting Slavery could prejudice So. Car. in Congress because the Constitution put it out of the power of that body to interfere in any respect for 20 years—those who were better acquainted with human nature knew that some indirect attempt to interpose would be made within that period & that it was not prudent to trust our interests to men of Ramsays description:³¹ some days ago several very urgent petitions & memorials were laid before Congress on the subject of Slavery, pressing some measures conducive to a speedy emancipation & a regulation of the Slave Trade in the interim. On motion to commit the Petitions, I urged the impropriety of committing Petitions which contained an application for an infraction of the Constitution—I was supported by Burke, Tucker, Baldwin, & Jackson³²—but alas—how weak a resistance against the whole house—the Petitions were committed—we called the Yeas & Nays & protested loudly against the measure—a Committee of a member from

²⁸ The best guide to these matters is James E. Ferguson, *The Power of the Purse* (Chapel Hill, N. C., 1961).

²⁹ Four or five words missing.

³⁰ Capt. William Elliott of the sloop *Maria*. *Charleston City Gazette*, July 21, 1790.

³¹ Concerning Dr. David Ramsay's views on slavery and his political defeats in S. C., see Rogers, *Evolution of a Federalist*, pp. 162-166, 268-269.

³² Aedanus Burke and Thomas Tudor Tucker were representatives from S. C.; Abraham Baldwin and James Jackson from Ga.

each State was proposed—we declared we thought the measure so violent an attack on the Constitution & our particular rights that So. Car. and Georgia would not sit on the Committee—so the Petitions were referred to a Committee of seven. The galleries were thronged with the Quakers who had presented the Petitions—they had the impudence to express a wish to be admitted within the house, but were told it would not be granted. Their appearance had a manifest influence on those members who apprehended the loss of their Election if they displeased the Quakers who vote by System;³³ they therefore voted for the Commitment without wishing to take any step in the business.

Our early & violent opposition had this good effect it convinced the house that So. Car. & Georgia look with a jealous eye on any measure in which the negroes are at all concerned—we did not admit that even after 1808 Congress would be authorized to prohibit the importation, but that the clause was inserted for greater Caution & to quiet the minds of our people—we assured them that whenever Congress should directly or indirectly attempt any measure levelled at our particular rights in this respect, they must expect a revolt in those States, which would never submit to it, & that the most violent opposition would be given to every step which might appear to interfere in any manner with our negro property. We maintained a debate for two days at a time when the members were exceedingly desirous of proceeding to the Secretary's Report; they became so tired of the discussion that they heartily damned the Quakers & their Petitions & seemed so sick of this little sample of what they might hereafter look for that they declared to us that we were unnecessarily alarmed, that they had not the most distant idea of interfering, & they only wished to commit the Petitions out of compliment to the Quakers. We did not lose the opportunity of trimming the Quakers in the gallery pretty soundly. The Committee have adjourned from time to time—I suspect to tire out the Quakers who remained here to urge the business—I long to see the Report.³⁴

Two days ago one of their leading men of the name of Mifflin,³⁵ a great fellow near seven foot high, stalked into my parlour & sat two hours—we endeavoured to convert each other in vain—when I got tired of him I asked him if he had seen friend Izard—he said no, but wished to see him—so I sent him there—about an hour after, I called on Mr. Izard

³³ That is, by a block vote.

³⁴ For the report see *Annals*, I, 1473-1474.

³⁵ Warren Mifflin was a Quaker of intense convictions who replied in 1793 to Smith's aspersions upon the Friends with *A Serious Expostulation with the Members of the House of Representatives of the United States*. Thomas E. Drake, *Quakers and Slavery in America* (New Haven, Conn., 1950), pp. 107-108.

to ride & found him & the Quaker in close debate attacking each other with Texts of Scripture—Major Butler was there, & we all three fell foul of friend Mifflin who was glad to make a retreat; he asked us all to dine with their Society that day, but we were engaged.

Sumter arrived day before yesterday; I have not seen him³⁶—Tucker was opposed to the assumption of the State Debts before he heard of the Resolutions—he says he will vote for it now; but, tho' in the course of the debate much has been said respecting So. Car. & her enormous debt, he has not opened his mouth, tho' from his being so long in Congress,³⁷ he is better able than any of us to explain the matter—the whole burden has fallen on myself & Burke, who has behaved exceedingly well hitherto in this business: he has taken a decided part & come forward manfully. This remark about T. is *entre nous*.

What does the Legislature wish to do with Fort Johnson³⁸—is it meant that Congress shall establish a Post there? Do our Citizens require that? I should rather have thought they would see such an establishment with a jealous eye.

The Cession of the Light-house³⁹ is clogged with a condition that the members in general won't like, tho it appears but reasonable—I wish you'd send me a correct statement of the Expenses attending the building &ca. Col. Mitchell⁴⁰ will do it, if you require him.

The General, our worthy friend, has so much business on his hands that I don't expect a correspondance with him—I wish however to be informed whether he ever received a Letter I wrote to him last Summer & to which I received no answer—will you be so good as to ask him—He is a gentleman for whom I entertain the highest respect & regard & indeed no small degree of gratitude for great Kindness rendered me in the professional way when I was very young at the Bar & wanted the assistance of a friend—I shall therefore be always happy [in every] opportunity of testifying my acknowledgments—I am restrained from writing, least it should interfere with his occupations.

You were too kind, my good Sir, in condescending to make apologies for not having written sooner on the Bankrupt Law: I am well acquainted with the multitude of your avocations & have often considered with

³⁶ Thomas Sumter took his seat on March 1. *Annals*, I, 1877.

³⁷ Thomas Tudor Tucker had represented S. C. in the Continental Congress in 1787 and 1788.

³⁸ Fort Johnson in Charleston harbor.

³⁹ The state was to cede to the United States government title to the lighthouse and the land on which it stood.

⁴⁰ Col. John Mitchell, a supporter of Smith's, and one who desired a position in the federal customs service. Rogers, *Evolution of a Federalist*, pp. 186-187.

astonishment the happy facility with which you got thro them all. Kean called me yesterday & shewed me some memorandums for Mr. Izard, in answer to your last: Your Exertions on this occasion may be of considerable advantage to our State. I cannot but lament sometimes that circumstances restrain you from relinquishing the planting business & the Profession of the Law— I wish to see you (notwithstanding my sorrow at your quitting the Bar) entirely at liberty to attend to matters of government: We want a man like you to watch over our interests—one whose attention to politics shall not be diverted to other objects—who is there now at home who considers himself responsible for public measures—what is every man's business is no man's—for gods sake take the most early steps in bringing forward our Claims—the neglect of it will be highly injurious & eternally prejudicial to our interests.

I have another wish—I must impart it to you—It is probable in my opinion that by the next Constitution of our State the Governors will either be re-eligible or will not be disqualified in so short a period as at present, & that the person who shall be first elected will continue (as in New York & other States) for a considerable number of years in office—should that person be an improper one, which is not unlikely in these days when fit men stand aloof, what a misfortune it will be to the Country! Now my most sincere wish is, my dear Sir, that you would make this Sacrifice to your country & allow yourself to be elected Governor—your fellow-citizens will confer their blessings on you & every thing else which gratitude can bestow. Then indeed the new state constitution will be a real Treasure to us—then we shall have at the helm one no less Zealous for the honor & happiness of the republic than able to carry into operation those measures which will ensure them—Think seriously of this! Should I succeed in persuading you to make this Sacrifice for the happiness & prosperity of So. Carolina I should reckon myself among those who may say, I have done the State some service.⁴¹

[New York,] Tuesday, March 2, 1790

I saw Sumpter yesterday—he says he was a few days in Columbia & reprobates the meeting of the Legislature at that abominable place.⁴²

⁴¹ S. C. did remake her state constitution at a convention held in Columbia from May 10 to June 3, 1790. Edward Rutledge was elected governor in December 1798 to a two-year term.

⁴² Sumter had wanted the capital to be located at Stateburg, S. C. Anne King Gregorie, *Thomas Sumter* (Columbia, S. C., 1931), pp. 212-213.

He was against the assumption of the State Debts before he arrived, but now seems to hesitate since he has heard of the resolutions of our Legislature.

I am told Tucker says he has no objection to vote for the measure as it is the wish of the Legislature, but that he doesn't think himself bound to obey instructions from a *Legislature*: he moved last session the amendment to the Constitution "that the people had a right to instruct their representatives" but the *Legislature* (it appears) have not! Sumpter seconded him.⁴³

Yesterday Madison withdrew his last amendment (the first was agreed without debate) he then proposed another, which was to assume the State debts as they stood in 1783—this is meant to please Virginia which has paid off a part of her debt & he wants the State to receive payment from the continent of the sum actually paid by her—but as other states have likewise sunk part of their debts & paid the interest regularly which ought also to be refunded, the amount, if revived, would add twenty millions more to the account. It met with such general opposition yesterday that I believe he will withdraw it today.

Farewell my kind friend—present my best respects & those of Mrs. S. to Mrs. Rutledge—Yours with sincere regard

Wm Smith

[New York, April 2, 1790]

[*The first two pages of this letter are missing.*]

... State he represents censured & misrepresented—our conduct has been termed folly & extravagance & he hears it without being at the trouble of a reply—Sumpter too is equally callous—yesterday he heard a Virginia Member say that in a particular engagement during the war the Militia consisted only of Virginians & No. Carolinians & that no South Car. were present: Sumpter & Burke sat near me & told me it was not true they knew the contrary; I urged Sumpter to rise & contradict it but he would not. Burke has been warmly with us but his mode of speaking & his roughness only excite Laughter [*torn*]: he has by his violence [*torn*]⁴⁴ in a very disagreeable matter.

Hamilton, the Secretary of the [Treasury], in his celebrated oration the 4th July last in speaking of some little fugitive parties of undisciplined militia which supported General Greene in some battle (I think it was

⁴³ Rogers, *Evolution of a Federalist*, pp. 175-176.

⁴⁴ A line is missing.

Monmouth but am not sure) with a view to heighten the character of his Hero who was the subject of his Panegyric, said "only supported by little fugitive parties of undisciplined militia, *the mere mimicry of Soldierly.*" Some persons who had not attended to the whole connection of the Sentence were extremely disgusted with Hamilton for calling the Militia the mimicry of Soldierly, but the thing was forgotten.

Day before yesterday Burke was making a Panegyric on the Southern Militia & got so warmed by his subject that he expressed himself something to this effect; "and yet a gentleman now high in office in a public assembly called this militia, these brave men, the mere mimicry of Soldierly—Sir in behalf of those brave men I give the lie to Col. Hamilton, yes, in the face of this Assembly & in the presence of this gallery" (turning round to a crowded Gallery in which were several Ladies & among them the widows Young & Hyrne)⁴⁵ "I say I give the lie to Col. Hamilton" (here he was called to order) Mr. Laur[ance] genuine friend of Hamilton's then explained very politely that Burke [was under a mistaken impression as] the observation alluded not to the South Militia—Burke insisted on it [that] it did for that Hamilton was then recounting the exploits of Greene to the Southward; he was told he was mistaken that he was relating an engagement to the northward but he would not recant: he then proceeded to account for his not having taken notice of it sooner; "that observation," said he, "was like a Dagger in my breast, but it was impossible for me to notice it at the time; I was called an antifederalist, the people of this city were all federalists, Mr. Hamilton was the Hero of the day & the favorite of the people & had I hurt a hair of his head, I am sure I should have been dragged thru the Kennels of New York & pitched headlong into the East River: But now I have an opportunity in as public a manner of retorting *the lie* which he gave to the character of the Militias." Hamilton was immediately made acquainted with this insult & he determined to proceed with deliberation: he said he should at all times disregard any observations applied to his public station as Secretary of the Treasury but that *this* was not to be passed over—he then wrote to Burke & inclosed him an exact copy of that part of his oration which contained the offensive sentence & required that Burke would in return communicate

⁴⁵ Obviously two S. C. ladies. Mrs. Hyrne may have been the widow of Major Edmund Hyrne who had been aide-de-camp to Gen. Greene. This *Magazine*, XXII (1921), 115-116. Mrs. Young may have been the widow of Benjamin Young who died in 1782. "Benjamin Young," Audited Accounts, S. C. Archives.

exactly what he had said in the [torn]⁴⁶ to shew Burke he had been [torn]⁴⁷ error. I have not heard the result.⁴⁸

Burke was in the house yesterday, but took no part in the business & was fidgetting backwards & forwards the whole morning. I am told he is amazingly intimate with Governor Clinton & that he is supposed to be courting his daughter, for he is there every day: ⁴⁹ Clinton hates Hamilton mortally & has probably set on Burke.

April 3d. Yesterday being Christmas day we did no business.⁵⁰ I dined at Colonel Hamilton's with a large Company—nothing was said about Burke, & I am not able to learn the result of his misconduct which is highly reprobated by everybody I have met with. I saw him with Major Butler yesterday morning in close conversation. Something is going forward but it [is enshrouded] with mystery.

I passed the Evening with Mr. Izard, who is excessively agitated indeed about *the Assumption which stands on a very precarious footing*, owing to the North Carolina members & Sumpter who speaks publicly (tho not in the House) against it: the negro business & Burke's conduct have encreased his distress of mind. Sumpter voted against us on both the late questions, the one for recommitting the proposition of Assumption, which was intended to get rid of it, the other for recommitting the remaining propositions, which was the only chance we had of keeping the question before the House: Should his vote lose us the Assumption, he will deserve the [torn]⁵¹ of every citizen [torn]. He is really more a Delegate from Virginia than our State.

Some of our people are not very anxious for the Assumption & are continually going away & absenting themselves when the question is about to be put, which obliges us to manoeuvre & put it off to the next day & keeps us perpetually in hot water. We were in hopes of bringing in the No. Carolina members by a compromise, but we soon discovered that it would be offensive to some of our Eastern gentlemen & that we

⁴⁶ Half of a line is missing.

⁴⁷ A line is missing.

⁴⁸ These episodes were not recorded in the *Annals*. There was an exchange of letters between Burke and Hamilton on April 1 and again on April 7. Hamilton's letter of the 7th of April removed "all ground of dissatisfaction" on Burke's part. *The Papers of Alexander Hamilton*, ed. H. C. Syrett and J. E. Cooke (New York, 1962), VI, 333-337, 357-358.

⁴⁹ This may have been the daughter of Governor George Clinton whom Citizen Genet married in 1794.

⁵⁰ Smith is referring to Good Friday which fell on April 2. No business was transacted that day. *Annals*, I, 1519.

⁵¹ Two or three words missing.

should risk losing more at one end that we gained at the other. I beleive much opposition to this measure from a dislike to Massachusetts on the part of her rival Virginia; Georgia is envious of So. Carolina.

[New York, April 29, 1790] ⁵²

In one of my Letters [from Mr.] Tench Coxe of Philadelphia ⁵³ is this paragraph which I insert for your information & that of the Agriculture Society: ⁵⁴

"I am well assured that a Mr. Oswald Eve (or a son of his) ⁵⁵ formerly a Captain of a Vessel out of Philadelphia has invented a very valuable machine for ginning Cotton in New Providence where he now resides. As the Bahamas are near to your State it would be a trifling Expence to send a person thither for it. A couple of Guineas a piece for a dozen Gentlemen would probably do it. If you speak or write of it, let it be cautiously & confidentially, as it may occasion some difficulty. The Machine will always be worth more than the cost, if the Patent-Office should be opened before it arrives. The person sent should take great care about the mode of procuring one, & of shipping it, tho there is no Law, I believe, to prohibit the exportation of such things from thence." ⁵⁶

Please send me by the next opportunity the Plan & rules of the Santee Canal & any other rules which the other Companies may have published, with the Laws incorporating them (if convenient)—Mr. Coxe has written to me for them—⁵⁷

I have sent your newspapers to Gadsden, with a request to forward them to you at Columbia. My respect to General Pinckney.

⁵² This is apparently the last sheet of a letter of this date.

⁵³ Tench Coxe of Penn., political economist, assistant secretary of the treasury in 1789, commissioner of the revenue in 1792, was president of the Pennsylvania Society for the Encouragement of Manufactures and the Useful Arts.

⁵⁴ The Agricultural Society of South Carolina had been organized in 1785.

⁵⁵ The "ingenious" Joseph Eve of Nassau had invented a cotton gin. Michael Craton, *A History of the Bahamas* (London, 1962), pp. 185, 191.

⁵⁶ There was a law prohibiting the export of such plans or drawings of machines from England.

⁵⁷ Smith was intensely interested in the building of the Santee and Catawba canals, which were designed to open up the Carolina backcountry. Rogers, *Evolution of a Federalist*, pp. 129-134, 223, 235, 242, 361, 362, 376, 377.

New York, May 24, 1790.

My dear Sir,

I wrote you by Snell—Elliott sails tomorrow & I wish to give you some account of our proceedings since my last—We have taken up the Funding Bill & have nearly got thro it in a Committee of the whole—we intend moving a Clause providing for the State Debts—the success very uncertain—if the measure is lost, it will not be for its demerits, but thro some out-of-door management—I am pretty sure the removal to Philadelphia is to be connected with it—I have been just informed by a Jersey Member, who is an Assumptionist, that the Assumption must not be connected with the Funding Bill, but that that Bill must be allowed to pass seperately to quiet the Continental Creditors & that we must make provisions for the State Debts by another Bill: this he told me after a long conversation with Fitzsimmons⁵⁸—the plain English is that the Assumption must be kept back till the close of the Session & then we shall be made to understand that unless we vote for Philadelphia, the State debts will not be provided for. Should any of our party vote against the Assumption on this principle we must lose it; we have had a consultation & have firmly resolved to bring on the Question & endeavour at all hazards to insert it in the funding Bill. The only material alterations we have made hitherto is raising the price of the Lands from 20 to 30 Cents. Sumpter has been sick for some weeks but has contrived to crawl out today, under the idea that the question was to come on that he might vote against it: his vote lost it in the Committee of the whole on the resolutions.

I am very anxious to hear the result of your Labours at Columbia; I hope you'll fix the seat of Government in Charleston by the Constitution, at least for a term of years.

Do attend to the sending on our Claims; millions depend on your exertions on this point: The good management of other States has given them a decided advantage over us in their Claims; if Some people would employ their time in attending to this business instead of writing Essays on Government & making Constitutions, they would fulfill the duties of their Station more profitably for the society: the first their abilities are equal to; the last they had best leave to abler heads.

The President continues mending—he was in great danger when I wrote last & was at one period given over by some of the Physicians—our alarm has been great, equal to the danger to be apprehended from such a calamity.

⁵⁸ Thomas Fitzsimons, a representative from Penn.

The R. Island Convention meet to day⁵⁹—the Bill from the Senate (which past by a majority of two to one in that house) is to be taken up this day week in a Committee of the whole; by that time we shall learn what they intend doing—it may work upon them Successfully. The two houses have fixed some points which were rather ambiguous under the Constitution viz; that the H. of R. changes *totally* every second year; dating from 4th March 1789; consequently that the No. Carolina Members hold their Seats only for a year, instead of two, as they affected to beleive;—that the President & V. President are to be only elected from 4 years to 4 years, even should both P. & V.P. die within that period; & we have appointed a Committee to bring in a Bill determining what officer shall act as President in case of the death of both P. & V.P.—opinions are divided between the Chief Justice & the Secretary of State—they will be much influenced I fear by the persons holding those offices, instead of the nature of the Offices themselves: I think the Secretary of State the proper officer; the C. Just. would be improper because it would blend the Judiciary & the Executive. The two Houses were pretty unanimous in their determination on these several points.

New York, June 14, 1790.

My dear Sir,

I suppose your mind is so engaged by the important & interesting business before you in Convention that you feel less impatience to learn our proceedings than on another occasion. My Mind has been of late considerably distracted between the business at Columbia (of which some disagreeable accounts have reached us) & the subjects which have been under our consideration here; the questions of Assumption, Residence, funding, &ca. have not yet received such a determination as to quiet our apprehensions; negotiations, cabals, meetings, plots & counter-plots have prevailed for months past without yet ripening to any decision, & I am sorry to say that such transactions have more influence on the public business than fair argument & an attention to the general good.

It would take more time than either of us can at present spare to give you a detail of the negotiations which have lately taken place; in former letters I anticipated them in some respect; the policy of Pensylvania & those who are anxious to remove Congress to Philadelphia has been to keep off the question of assumption & we have not yet felt strong enough to hazard it; the other party have not suffered us to take any

⁵⁹ Rhode Island ratified the Constitution on May 29, 1790, at a convention held at Newport, R. I.

question on it in the House but have detached it from the funding bill which they have carried thro & sent to the Senate, where it is now under consideration & where we hope the assumption will be inserted: they then took up the Bill laying the increased duties on Spirits & establishing the Excise; this Bill is now before us & will be opposed with great violence if the assumption does not succeed; those who are anxious to fund the continental debt are very apprehensive of losing the Excise, as they think sufficient funds cannot be obtained without it; on the other hand the friends of the Assumption are disposed to make that apprehension subservient to their wishes; in this we are supported by the Virginians & North Carolinians who are strongly opposed to an Excise; if we are strong enough to strike out the Excise the funding Bill will be in such jeopardy that we may expect much less opposition to the Assumption, & there is a great probability we shall Succeed.

The fear of losing Congress has induced the three obstinate anti-federal members from this State⁶⁰ to relax in their opposition to the Assumption—to court New England & South Carolina, on whose good will they depend for retaining Congress at New York; they have nearly pledged themselves to vote for the Assumption; the day the vote passed in our house for removing to Philadelphia we had a meeting; New England, New York & myself: there those three gentlemen promised that with some trifling modification they would vote for the question we had so much at heart; we have also gained the two Jersey Members⁶¹ who voted against the Assumption by agreeing to a clause in the funding Bill which is advantageous to their State.

[P. S.] June 29th. I wrote the above some time ago but have hitherto had no opportunity—Yours in haste

W. S.

New York, June 28, 1790.

After much impatience I had the pleasure of gratifying my curiosity in the perusal of your Letter & the new Constitution.⁶² Your letter has reconciled me in a considerable degree to some parts which I thought highly objectionable; the Seat of government, the rotation in offices, the

⁶⁰ The six delegates from New York were Egbert Benson, William Floyd, John Hathorn, John Laurance, Peter Silvester, and Jeremiah Van Rensselaer. Benson and Laurance were strong Federalists.

⁶¹ The four delegates from New Jersey were Elias Boudinot, Lambert Cadwalader, Thomas Sinnickson, and James Schureman.

⁶² The convention had adjourned on June 3, 1790. *The Constitution of 1790*, ed. J. M. Lesesne (Columbia, S. C., 1952).

exclusion from the governor's chair, the size of the representation in both houses & some other points struck me as injudicious regulations; I am however satisfied on reflection that local considerations will always supercede strict political maxims & that you were obliged to pay due attention to those considerations. I should have wished the representation of one house not to have exceeded 60 or 70 & that of the other 20 or 25. I should have wished the Executive re-eligible & vested with a qualified negative & elected for a longer period & the Senators to have been chosen thro the medium of Electors. Most of those persons with whom I have conversed concur with me on these heads—Upon the whole the Constitution is much better than the former one & admits of a convenient mode of amendment: I am only apprehensive that Columbia is too well established by the Constitution to flatter ourselves with the prospect of a change, as it will require the concurrence of two-thirds of the *whole representation* & not of the *members* present. You are however the best judge of this, being on the spot & acquainted with all the secret springs of action.

With respect to ourselves, it is so long since I have had an opportunity of writing to you that I should write a volume were I to enter into a detail of our proceedings; many strange & unexpected occurrences have arisen within some weeks past & tho little has apparently been done by Congress yet I can assure you we have not been idle; but where there is such a complication of interests & views to adjust & bring to a point, it is almost a matter of astonishment that any of the great questions now before us promise a termination this Session. Were each question brought forward seperately, an opinion might be speedily given on their respective merits, but they are so closely entangled one with the other that a member does not know how to vote on one without considering the effect it will have on several others. Some will not vote for the assumption until the residence is fixed; others withhold their assent to the funding bill & the ways & means until the assumption is carried—A motion was carried in the Representatives that Congress should hold its next Session at Philadelphia—the Senate negatived it—it was renewed in the Representatives & there changed by the Eastern Members to Baltimore—the Senate postponed the consideration of it to this day & originated a Bill for fixing the permanent Seat of Government—for this fortnight past considerable negotiations have been carrying on—some of the Southern Senators (including ours) are desirous of New York as the temporary residence for 8 or 10 years & Baltimore as the permanent Seat at the Expiration of that period; the Eastern members who are averse to such a southern position will not concur & it is to be feared the plan will

fail: on the other hand Morris with the Virginia & Maryland Senators have formed another confederacy which is to go to Philadelphia for ten years & then to the Potowmac as the permanent Seat: thus matters stand at present.

The funding Bill past our house & was altered by the Senate, by striking out all the alternatives & funding the Debt at 4 per cent, reserving the Lands as a sinking fund. The Bill has not been sent back to us yet, as some of the Senators detain it with the hopes of reconsidering it, while others retain it as a hostage for the assumption. I don't think our house will agree to the amendments. The Excise Bill was rejected in the Representatives—some voted against it viz; Virginia, No. Carolina, part of So. Car., and Georgia, from a dislike to the Excise, while the Eastern people voted it out because the assumption had been rejected.

A Committee have reported additional Impost & Tonnage—this will bear hard on the Southern States & will encounter great opposition.

We are now in a very embarrassing situation & may possibly adjourn without bringing any of these great questions to a conclusion; some of the Eastern members think the assumption will stand a better chance if we go to Philadelphia & begin to waver in their opposition to the removal; they are in general fixed in their determination to oppose any funding, independent of the State debts, & many members who are opposed to any funding at all will heartily join them; this circumstance, with the difficulty of agreeing on the ways & means, places the public debt in great jeopardy this Session. This unfortunate situation is the result of Sumpter's voting against us; had the assumption been carried, the funding System would have been passed some time ago, no motion for a removal would have been obtained on the public business & we should have adjourned some time ago to the general satisfaction. As long ago as 9th March we carried the question, it was recommitted by the vote of Sumpter, & here we are 28th June as far back as ever. The Pennsylvania Members were tempted to take advantage of their situation & to make this question subservient to their wishes: the three antifederal New-Yorkers were apprized of this & informed that they would lose Congress if they voted against the Assumption, but they obstinately stood out; now they begin to repent & will vote for it; when perhaps it is too late.

We have passed in our house a Bill making provision for the settlement of Accounts between the Several States & the U. S.—it is very favorable to our State & I hope the Senate will not alter it. I got the time for delivering our claims extended to July 1791, which circumstance I hope our State will avail herself of & lose no time in collecting & trans-

mitting our further claims; should the Assumption be lost, this Bill will be the best substitute we can expect, for we have claims which if brought forward in time will give us a Ballance of two or three millions of dollars; the Ratio by which our Quota is to be ascertained is highly favorable, as we shall after the next Census be not more than 1/16th of the Union, whereas we are now 1/13th.

We have lost a very worthy Member Col. Bland.⁶³ I had a great esteem for him & regret his loss exceedingly: he was a truly honest good man—candid, open & fair—quite the gentleman & man of education & by far the best man in the whole Delegation—tho not the ablest.

The No. Carolina Delegation is complete—The Rhode Island Senators have taken their Seats.⁶⁴

[P. S.] June 29, The Senate have before them the Bill for a temporary & permanent residence but can't agree upon any place.

I take an opportunity of a gentleman's going to Philadelphia to forward this to you & shall write again by Motley in about a week—Elliott is not arrived—we expect him—Our best Compliments to Mrs. Rutledge—your affectionate friend

Wm Smith

New York, July 4, 1790

After [torn]⁶⁵ you, my worthy friend, on this illustrious day re-[nown]ed so by the exertions of yourself & other Patriots, I ack[nowle]dge the obligations I am under to you for several Letters co[n]tai[n]ing an interesting detail of your proceedings at Columbia—Some I read with satisfaction; others with indignation at the almost incredible treachery of some of our low country people—had the Seat of Government not been fixed at Columbia I should have been entirely satisfied with the Constitution—as it is, I am more & more pleased with it; the Census has thrown a new light on this subject & your reflections on the weight of population must make every low-country citizen extremely thankful for your exertions. Tho I am sincerely chagrined at the success of the back country in their favorite object, yet the circumstance of that triumph on their part creating unanimity in passing the Constitution will compel me soon to acquiesce in the determination; but I must have time for it,

⁶³ Col. Theodorick Bland of Va. died June 1, 1790.

⁶⁴ John Sevier, the last of the five N. C. representatives, took his seat on June 16. Joseph Stanton, Jr., and Theodore Foster presented their credentials and took their seats on June 25. *Annals*, I, 993.

⁶⁵ Four words missing.

for I can't yet get over it. Besides the folly & absurdity of the measure, it will I fear shed a malignant influence on all the proceedings of the Legislature.

Many severe strictures have been passed on our Constitution by the Constitution-mongers here, who argue from theory alone, & who would make Constitutions to be read & not to be acted upon. Madison told me he thought we made no figure at Constitution-making; I was obliged to enter into a history of So. Car. politics, & then he thought better of it:—the Two Treasuries, without one Treasure, is a cause of merriment a[t o]ur expence⁶⁸—the rotation of officers— the Exclusion from continental & state offices at the same time the *fifteen* members for Charleston, the large representation for a small State, as they think ours, the want of power in the Executive, the details, &c. are objects of censure; the consequence is that I have a great deal of trouble, for whenever I hear any of these comments, I enter into the state of parties, the local considerations which were necessarily attended to & the whole detail of the business.

I wrote you a few lines a day or [*torn*] by an opportunity, which I had just heard of at the time of [*torn*]. I mentioned the safe arrival of your amiable Son, whom I [*torn*] great pleasure. Your young friend Hal will always [carry] with him strong personal recommendations; his manners & understanding will procure him friends & admirers in every part of the continent. [I] feel the strongest prepossessions in his favor; I should feel them on [your] account alone were there no other inducement: with the assistance of your Letters he will not fail to meet a hearty welcome wherever you are known; & where you are not personally known, you are by reputation.

I herewith send you the Bill for settling the accounts between the U. S. & the Several States as it passed the Representatives—the Senate have struck out the Clause appointing two additional Commissioners & I am afraid will curtail the time for bringing in Claims—our house were not disposed to grant so long a time, as most of the States have already sent in their Claims—I am very intimate with the leading eastern men, some of them have a regard I believe for me & they voted for a long time, because I requested it: I hope they will not give up to the Senate.

I see by the Constitution the Election for Delegates will come on in October—some of my Correspondents have asked me whether I will Serve again—I wished not to have made up my mind till September if possible to delay giving an answer till then, but my constituents have a

⁶⁸ Article X of the S. C. Constitution of 1790 provided for two treasurers, one resident in Charleston and the other resident in Columbia.

right to know my determination which I make with considerable apprehensions of making a wrong one, tho I have very seriously thought on the subject. The very flattering testimonies of approbation I have been honored with from you & other friends is extremely encouraging, & your opinion that I should not meet with opposition [removed the] terrors of another contest: altho I came off victorious on the former occasion, yet I dislike the anxiety these struggles necessarily excite: As my friends think I am worthy of the Station, & that my attention to business & zeal for my country's welfare supply the place of splendid talents I am ready to offer my services, such as they are, to my countrymen: promises I hope are not necessary & that my past conduct will be an earnest of my future labors. I make some pecuniary sacrifices, but I shall be indemnified in the reflection that they are for a country I love & that every benefit which it shall receive will be [torn].⁶⁷

[torn] what [torn] mean to do in the Elliott cause? My sister [is very un]easy about it; you will much oblige me by calling on her [and] [torn] consulting with her.⁶⁸

I hope your gou[t has] quitted you—it was unkind in it to pursue you to Columbia—it however did not attack the head, I hope it never affects [the] Tongue.

July 5th. This morning being the day on which our Independance is celebrated, the Address of our Convention was presented by the whole Delegation⁶⁹—it was read by Butler—the answer will please you—there was a part of it which I beleive did not much please the Reader; the President says he takes a pride in being a *Native* of America.⁷⁰ We have just returned from an Oration delivered by Brockholst Livingston.⁷¹

Mrs. Smith joins me in best Respects to Mrs. Rutledge.

I am, My dear Sir, with great Truth, Your very affectionate friend & Servant

Wm Smith

⁶⁷ Three or four words missing.

⁶⁸ Susannah Smith had married Barnard Elliott (died 1778). William Smith had managed the affairs of the Elliott estate for his sister and her son Barnard Elliott, Jr. See folder on Barnard Elliott estate, William Loughton Smith Papers, S. C. Hist. Soc.

⁶⁹ July 4 had fallen on a Sunday. A Congratulatory Address to George Washington, President of the United States, was read to the S. C. Convention by Edward Rutledge on May 31 and adopted that day. The Address is printed in *Journal of the Constitutional Convention of South Carolina, May 10, 1790-June 3, 1790*, ed. Francis M. Hutson (Columbia, S. C., 1946), pp. 26-29.

⁷⁰ Senator Pierce Butler of S. C. was a native of Ireland.

⁷¹ Brockholst Livingston, the brother-in-law of John Jay.

New York, July 25, 1790

My dear Sir,

As no vessel sails soon from this place, I write you a few words by Philadelphia to acquaint you with our proceedings. The funding Bill having past the Senate with the assumption annexed to it, (on the terms mentioned in my last) ⁷² we took it up last thursday; we altered the terms of funding the domestic debt [*indecipherable*] ⁷³ of the principal of the debt from 26 Dollars to 33 on every hundred, by altering the period of funding the deferred third from 10 to 7 years, & by raising the Interest on Indents & arrears of Interest from 3 to 4 per Cent.

On friday came on the amendment of the Senate respecting the Assumption consisting of sundry Clauses; Jackson moved to disagree with the Senate in all their amendments relating to the Assumption; he made a long speech which you will see (with disgust) in the papers;⁷⁴ I replied in one of equal length ⁷⁵—we adjourned—Saturday, the debate was resumed—on taking the question, his motion was lost, ayes 29—noes 32.

Sumpter voted against us, & Huger was absent, being very ill. We were [*indecipherable*] ⁷⁶ Mr. White who voted with us having declared that altho he should then vote against rejecting all the amendments of the Senate, yet that he should ultimately refuse to concur, unless some alterations took place—as we had to canvass the whole of the modifications & there was considerable fear of our splitting when we came to adjust the proportions to be assumed from each State, I was very uneasy about the result; I therefore Monday morning prevailed on Huger, ill as he was, to attend the House & I employed all my rhetoric with Sumpter to change his vote—I stated to him the evil consequences which would flow from an apparent disunion among the members from our State on such a momentous question & one in which it was so much interested; that his constituents might sit uneasy under the measure by finding him persist in his opposition to it & that it would tend to sow the seeds of disunion in the different parts of the State—that he had acknowledged to me he thought the measure advantageous to us & as he found other States opposing it from local motives, he was justified in supporting it

⁷² There is a letter of William Smith to Edward Rutledge, dated July 14, 1790, with a postscript of July 17, in the Pinckney Family papers, Library of Congress. This is proof that Rutledge passed on these letters for General C. C. Pinckney to read.

⁷³ Half a line missing.

⁷⁴ James Jackson of Georgia. *Annals*, I, 1686-1695.

⁷⁵ *Annals*, I, 1695-1702.

⁷⁶ Two or three words missing.

from similar motives—that he would not be charged with inconsistency in now voting for it, because he might alledge that he found his opposition ineffectual & that he thought it his duty to concur with the majority & that as he was now persuaded the measure would be carried, unanimity in our delegation would have a good effect on the State & would induce all parts to be pleased with it—I stated a number of other reasons & endeavoured to obviate all his objections. Whether my anxious sollicitations had any effect or whether he thought the measure would be carried & that he had better concur in it & make his peace with his country or that seeing Huger come from a sick bed to give his vote & apprehending some consequences from his single negative from the State he was urged to a compliance, I will not say; but to the great astonishment of both parties, he said Aye when he was expected to say no: we therefore, on the motion made by myself to concur with the amendment of the Senate, carried it by a majority of *Six*. Mr. White had been gratified by the alterations made; we adhered to the propositions settled by the Senate, tho strong attempts were made by No. Carolina & Georgia to alter them—we had a majority of 3 on Saturday: Huger made 4—& Sumpter's change made 6. I am much pleased that he voted with us, tho the State are under no obligation to him for he has certainly done us all the injury possible in & out of the house.⁷⁷

You will see in Jacksons speech an assertion that the back country of So. Car. are against the assumption, because it will deprive them of State power & subjugate them: these observations may do a great deal of mischief & would have done more had Sumpter persevered in his opposition to the last, for it would have countenanced the insinuations which I have no doubt came from Sumpter—Jackson said in the house that he was informed the people's minds were much changed on the subject in So. Car., that the instructions were hurried thro without time to consider them & that such a measure would not pass at this time on a calm review of the subject. He must have had this from my worthy colleague—you may be sure I contradicted him on the spot. He said he was told the *good people* of So. Car. were against the measure—I answered I was sorry there were then *so few good* people in the State for I beleived 99 out of 100 were for it; that the Convention of the people sat in May & might have given counter-instructions had the people disapproved it. I was the more anxious to have S.'s vote to do away these remarks & to satisfy our back country that S. had approv'd the measure on full consideration.

⁷⁷ The vote is recorded in *Annals*, I, 1712.

From the above account you may have reason to suppose that the assumption is pretty secure; & yet would you believe that it is still in Jeopardy & that a foolish difference of opinion about 3 and 4 per cent maintained with shameless obstinacy by both parties is likely to mar all our schemes & set every thing afloat? Some of the Senate are determined to postpone the whole business rather than agree to 3 per cent; others are resolved not to concur with our amendment for 4. The same scandalous obstinacy prevails in our house, & the same disunion among members from the same State; Ames & Gerry are for 4, Sedgwick for 3⁷⁸—Mr. Read (of the Senate from Delaware) agreed to vote for the Assumption provided the Indents should be funded at 3 per cent; Elsworth & Strong pledged themselves to stick to 3 to secure Read's vote for the Assumption—Schyler, Morris, & King insist on 4 & will run all risques to carry it;⁷⁹ the first told me just now he would himself move to postpone the whole funding Bill if the Senate would not consent to 4. What a cruel situation to be reduced to by a few *interested* individuals, who would involve the nation in ruin to gratify their inordinate avarice.

Tho Mr. Izard & his connections are deeply interested in getting 4 rather than 3 per cent, he has uniformly concurred in the latter for the sake of harmony & to secure the funding the public debt.⁸⁰ This business comes on in the Senate this morning & I am full of anxiety about it.

The Assumption could never have been carried without the assistance of some new friends—Gilman & Livermore of New Hamp. have deserted us & Hartley of Pennsylvania.⁸¹ In lieu of these we have gained Lee & White of Virginia & Gale & Carrol of Maryland⁸²—this acquisition is the result of the Patowmac scheme—it seems there was an understanding between these gentlemen & some of the New England members that the latter would give no serious opposition to the residence bill if some of the Maryland & Virg. members would vote for the assumption: New England had it in her power to have defeated the Patowmac bill, by joining in the Baltimore scheme, but the Massachusetts members of the

⁷⁸ Fisher Ames, Elbridge Gerry, and Theodore Sedgwick were representatives from Mass.

⁷⁹ Philip Schuyler and Rufus King were senators from N. Y.; Robert Morris was a senator from Penn.

⁸⁰ William Smith and Gabriel Manigault were sons-in-law of Senator Ralph Izard; the three men represented what I have identified as the Izard-Smith-Manigault faction in S. C. politics. For a discussion of their involvement in speculation see Rogers, *Evolution of a Federalist*, pp. 198-208.

⁸¹ Nicholas Gilman, Samuel Livermore, and Thomas Hartley.

⁸² Richard Bland Lee and Alexander White of Va.; George Gale and Daniel Carroll of Md.

Senate opposed it & by that means forwarded the residence bill: the consequence was that in the Senate Read & Carrol who had been opposed to the assumption voted for it: thus, notwithstanding the accession of No. Carolina & R. Island, two States bitterly opposed to the assumption, we have by dint of perseverance obtained a majority for it in both houses. It is laughable to find the same members who a few weeks ago insisted on the absolute necessity of detaching the assumption from the funding Bill & declared they never would vote for them united, now gravely voting for an association because the residence bill is settled. Some danger might have been expected from the N. York members but Hamilton has kept them with us.

July 25th, P.M. The Senate have ordered our amendments to be printed & will I suppose take them into consideration in a day or two. The anti-assumptionists are busy in endeavouring to bring about postponement to next Session; the 12 who are against the Assumption will succeed if the 14 who are for it should divide on collateral points; one or two obstinate men in a moment of ill-humour & disappointment may defeat the whole business by joining the non-funders & the anti-assumptionists in a postponement to next Session. Schyler declares he will join them in this measure if the Senate should not consent to 4 per cent; this will divide the Senate equally; should Morris or King join him then the whole business will be blown up & we shall adjourn in great confusion. On the other side, Read, Elsworth, or Strong are equally obstinate. A few days will unfold this business—we shall then be in a flourishing or in a miserable situation as the caprice of one or two individuals may direct.

The State of the votes for & against the Assumption in both houses is as follows: ⁶³

	<i>Senate</i> *			<i>Representatives</i>	
	<i>For</i>	<i>Against</i>		<i>For</i>	<i>Against</i>
[N. H.]	— 1	1	N. H.	— 1	2
[Mass.]	— 2		Mass.	— 8	
Conn.	— 2		Conn.	— 5	
R. I.	—	2	R. I.	—	
N. Y.	— 2		N. Y.	— 3	3
N. J.	— 2		N. J.	— 4	†
Penn.	— 1	1	Penn.	— 3	4
Del.	— 1	1	Del.	— 1	
Md.	— 1	1	Md.	— 2	4
Va.	—	2	Va.	— 2	7 ‡

⁶³ The editor has regularized the abbreviations of the states in the following list.

<i>Senate</i>			<i>Representatives</i>		
	<i>For</i>	<i>Against</i>		<i>For</i>	<i>Against</i>
N. C.	—	2	N. C.	—	5
S. C.	— 2		S. C.	— 5	
Ga.	—	2	Ga.	—	3
	<hr/>	<hr/>		<hr/>	<hr/>
	14	12		34	28
	<hr/>	<hr/>		<hr/>	<hr/>

* Vice President for it.

† Speaker for it.

‡ One dead.

I shall write you again in a few days. In the mean time I remain with best respects to Mrs. Rutledge, My dear Sir, Your's truly

Wm Smith

P.S. Your Son is well—I saw him an hour ago. The Committee on General Greenes business sits tomorrow.⁸⁴ I imagine we shall report favorably—we shall adjourn as soon as the funding bill passes.

New York, July 30, 1790

After much toil & anxiety I can at length, my dear friend, congratulate you & our whole State on the adoption of the assumption, which yesterday past both houses & is now part of the funding Bill.⁸⁵ In my letter of the other day, sent by the way of Philadelphia I communicated to you the disagreement likely to take place between the two houses & which the enemies of the Assumption would avail themselves of to defeat the Bill; our house had raised the Interest on Indents of Interest & a third of the State debts from 3 to 4 per Cent & had made the deferred third of the debt payable in 7 years instead of 10: the Senate refused to concur in both these amendments & it was greatly apprehended by us that if our house insisted, the Senate would insist on their part & so the Bill be either lost or postpon'd to the next Session: some of our friends in both houses, from a rapacious disposition to get a little more on their Certificates were imprudent enough in their fits

⁸⁴ Edward Rutledge was an executor of General Greene's estate. Mrs. Greene was petitioning Congress "to indemnify the heirs of General Greene from demands arising from engagements and contracts made by him on account of the United States." *Annals*, I, 1717.

⁸⁵ "An Act making provision for the debt of the United States." Approved Aug. 4, 1790. *Annals*, I, 2243-2251.

of anger to declare they would rather lose the Bill than yield; our enemies fomented these divisions & we have been for two days past in great trepidation: we however laboured to bring about an accommodation; when we found the Senate had by a majority of 16 to 8 rejected both our amendments our only prospect of carrying the Bill through was to recede; some of the Senate who were for 4 per Cent assured us that if we insisted their house would give up the point, while those who were for 3 per Cent warned us against the danger of letting the Bill get back to the Senate, as in Such case the consequences might be fatal: these embarrassments were heightened by an alarm excited about a suspension of the residence bill, a measure artfully introduced by No. Carolina & Georgia to draw off the Virginia, Maryland, & Pennsylvania members who had given their support to the Assumption in consequence of the residence bill having past. Yesterday the Senate sent us down the funding & assumption Bill with a message that they disagreed to our Amendments: before we took it up, Vining moved to take up the motion respecting the Suspension of the residence Bill, in order to try Massachusetts & So. Carolina & to induce us to vote against it least we should disgust our new friends: our situation was an awkward one & we had no other recourse but in prevailing on Bloodworth⁸⁶ to withdraw his motion for the Suspension for a day or two: we then took up the funding bill—it depended on us to see the assumption pass into a law in the course of a few minutes by receding from our amendments or by a pertinacious adherence risk the loss of the Bill & set every thing afloat & involve the whole government in confusion & faction: notwithstanding the step to be taken appeared so obvious, some of our friends still persisted—our enemies rejoiced—it was an abominable folly on the part of the former—the latter had the prospect of a complete triumph: men, who were in principle against funding at all & would be glad to sponge out the whole debt, impudently affected to be the friends of the Creditors & the guardians of public faith; even Sumpter with the hope of damning the whole business voted for insisting, tho I urged every argument to prevail on him to recede: when I stated to him the danger of a postponement to the next Session he asked me what injury would result from such a measure? I got the rest of my colleagues to concur with me: I sent for Huger & I told every body the danger of insisting: after much debate we carried the question on both amendments & thus the Bill past, for which God be praised.⁸⁷

⁸⁶ Timothy Bloodworth of North Carolina.

⁸⁷ Both passed 33 to 27 with Smith, Burke, Huger, and Tucker in the majority each time and Sumter in the minority. *Annals*, I, 1716-1717.

Tho the business is not quite as well arranged as I could wish, yet on the whole I greatly rejoice—did you know the difficulties we have encountered, arising from jarring state-interests; private interest of holders of continental & State paper, speculators, men against any funding, you would be delighted at the reflection that we have been able to bring the funding & assumption to any thing like a point.

The State debts are placed on this footing—every holder is to subscribe to the U. S. such proportion of his certificate as the debt assumed by the U. S. bears to the whole State debt; for instance—South Carolina—her debt—say 5,000,000 Dollars [—] assumed—4,000,000 [—] which is $\frac{4}{5}$ ths—therefore if I go to the Treasury of the U. S. with a certificate of 500 Dollars; I get 400 funded & I must apply to So. Car. for the remainder: (that is in case no further assumption takes place, but we have always considered the present modification as a *good entering wedge* & when we find things will bear it, we shall push on for the whole) suppose then my 400 Dollars funded by the U. S. they will be funded in the following manner, viz— $\frac{2}{3}$ ds of 400 Dollars at 6 per Cent (on the Secretary's plan, which is $\frac{2}{3}$ ds immediately & the other third at the Expiration of 10 years) & the other third of 400 Dollars at 3 per Cent: as the Senate would not agree to fund the Indents of Interest of the continental debt at more than 3 per cent & as those Indents are about one-third of the continental debt, it was necessary (for the sake of uniformity) to have one third of the State debts funded also at 3 per Cent.

The whole operation will therefore be thus:

An Indent of So. Carolina—value 500 Dollars—
as 4,000,000 assumed is $\frac{4}{5}$ ths of 5,000,000 State debt—
then the U. S. Fund—400 Doll:

$\frac{2}{3}$ ds of said 400: (viz 266) is to be funded
in this manner

{ 2/3ds of said 266 immediately at 6 per Cent—viz—178 D. }		}	266
{ 1/3d of said 266 at the end of 10 years—viz — 88 }			
1/3d of said 400 (viz 134) at 3 per Cent			134
			<hr/> 400 <hr/>

The *Continental* Debt is to be funded as follows:

$\frac{2}{3}$ ds of the *principal* of the Debt immediately at 6 per cent.

$\frac{1}{3}$ d—of ditto—at the end of 10 years—at ditto.

The *Interest & Indents* of Interest at 3 per Cent.

The State debts to be subscribed indiscriminately in principal & interest—

Give all my friends joy for me—my best respects to Mrs. R. Henry is well—Your very affectionate friend

Wm Smith

[P. S.] Your Brother was taken with the Gout yesterday which prevented his dining with us; Mrs. R. & her daughter came & told us he had suffered much pain from it: John is hourly expected.⁸⁸

New York, August 8, 1790

I have read with much pleasure, My dear Sir, your very agreeable Letter by Elliott; your observations on the conduct of Congress & on the merits of our new Constitution accord perfectly with mine; I am much flattered in finding that I had anticipated in public debate & private conversation the strictures & animadversions which you have made on the subject of *residence*; the conduct of the majority in both Houses entitles them to every severity which honest & independent Men can inflict. Do not however attribute too much to Morris's influence; he possesses I admit, more than he ought; he has weight with the Pennsylvania Delegation & that Delegation has too much influence in our House; their centricity places on many occasions the Ballance in their Hands & they never fail to avail themselves of their advantageous situation to make a good Bargain. On this occasion a combination of circumstances lent their aid to the promotion of the Philadelphia scheme. The State of Pensylv. being supposed averse to the Assumption, their Delegation had a good plea to withhold their assent—they saw the extreme eagerness of Massachusetts, Connecticut, & So. Carolina & it rested with them to turn the scale; those Delegations from Maryland & Virginia who had most violently opposed the Assumption promised their consent if the Potowmac should be made the permanent residence—neither Pennsylvania nor New York would agree to this immediately—it was therefore necessary to combine interests; a strong association of Pennsylvania, Virginia, & Maryland was the result, & it was understood that Massa. & Connect. would not oppose the measure, provided enough members could be draughted from Pensy., Virg., & Maryland to carry the assumption.

The New England States could at any time have upset the whole scheme but they had too much at stake—they flattered themselves that

⁸⁸ John Rutledge, Jr., was expected home from Europe.

Congress would never go beyond Philadelphia to which place they had no considerable objections—indeed some of them thought a great point was secured by fixing the Government down in that city for 10 years certain, as the prospect of going to the Potowmac in a few years was greater at New York, which is confessedly an eccentric Situation: Georgia & No. Carolina who were bitter against the Assumption were completely duped by their elder Sister Virginia & the cunning Philadelphians—they voted for the Scheme under the pretence of a Southern position ten years hence; in fact many of them had a predilection for Philadelphia & hold up the Potowmac as a bait to their constituents. When they found the Assumption follow, they began to repent of their folly, but were ashamed to retract.

South Carolina was divided—in the Senate, Mr. I. stood firm & made a manly opposition, his Colleague,⁸⁹ after taking a great deal of pains to counteract Morris by bringing in a Bill to establish the permanent residence on the Potowmac, suffered that very bill to be made the Instrument of Morris's projects & under color of the Potowmac was completely gulled into a vote which carried the Bill thro the Senate; had he voted against it, the Senate would have been equally divided & it is known that the President would have rejected it. Such an instance of versatility I scarce remember; whether he thought the New York Senators had not paid him sufficient respect, or wished to shew his power or his independence in differing from his Colleague is uncertain but it is most certain that his conduct has occasioned general disgust here—the New Yorkers reprobate his procedure & the Philadelphians say they have made him fall into the pit he dug for them & laugh at him accordingly.

In the Representatives Sumpter as usual followed the wrong road—it was sufficient for him that he voted with Virginia, whose representative he shews himself on all occasions: Tucker seemed sunk in an indifference proceeding from ill-humor—he was dissatisfied with every thing (as he generally is)—he hated the Assumption, but was obliged to vote for it—he didn't like the residence bill much better; he disliked the government itself, & was not therefore sorry to see it become contemptible—he accordingly took no part, but allowed things to take their own course. Huger was sick, which was unfortunate, for I prefer him to all the rest of them; he votes right & behaves like a gentleman: Burke behaved very well & took an active part. I was invited into the Scheme by frequent hints, but I set my face against it & I even attempted to

⁸⁹ Senator Pierce Butler's political position has always been difficult to understand. This paragraph provides some interesting insights.

excite some indignation in the breasts of the Mass. & Conn. members against it, but in vain: they contented themselves with voting against the Bill, but threw cold water on every project which had a tendency to defeat it.

After this famous Bill had passed, the funding Bill was taken up in the Senate & to the great surprize of those who were not in the Secret, the Assumption was immediately engrafted on it, by the accession of Carrol, Read, & Elmer, who had before violently opposed it: they counted off enough to carry it without resorting to Adams's vote, which would not have looked so well; when the bill with the Senate's Amendment came to us, Pensylvania promised 3 votes, Maryland 2, & Virginia 2, which upon calculation were deemed sufficient: there was however a corps de reserve, Hartly from Pen. would vote for it, *after a conference* with the Senate, but his *conscience* would not allow him to consent to so material an alteration, *without one*: Lee & White from Virginia who had reprobated the Assumption on any terms or conditions, declared that their objections were removed by the Bill for the Settlement of accounts having past,⁹⁰ & by the limitation of the debts assumed; Gale & Carrol, who had been equally bitter against it, did not think it worth their while even to assign a reason for such an astonishing conversion & were as anxious for the measure as they had been to defeat it a month before. North Carolina, seeing the turn things were taking, tried to get more of their debt assumed, but the House were afraid of deranging the proportions least the whole should be set afloat: some indeed wished to punish that State for her misconduct; all our members however voted for the motion to add 600,000 Dollars for No. Car. & I was not sorry that we lost the question, for they have behaved shamefully. Georgia made an attempt also, but failed. None of the proportions were touched.

A few days after the Bill had passed, Jackson had the modesty to ask leave to bring in a Bill making a further assumption for Georgia of 300,000 Dollars, & tho' he prefaced his motion with some illiberal remarks on the 4 mill. of So. Carolina, I found Tucker, Burke, & Sumpter voting for his motion—which was carried; the New England Members consented to it with a view of quieting that State; I represented to them the impolicy of gratifying the Georgians now, for we should hereafter lose their aid when a general assumption should be attempted & they would be as violent as ever against it, but all in vain, they let the

⁹⁰ "An Act to provide more effectually for the settlement of the accounts between the United States and individual States." Approved Aug. 5, 1790. *Annals*, I, 2295-2296.

Bill go to a second reading when No. Carolina tried to get a further Sum, but failed—New York the same.

I then mentioned that if the Bill past in its present form Georgia would have 6/7ths of her debt assumed, & that So. Carolina was entitled to the same benefit & therefore ought to have at least another half million, & that from the message of the Governor of Georgia to her Legislature, it appeared she had in her Treasury bonds to the amount of £200,000 beyond her debt & required consequently no assumption at all, but I was unsupported—I therefore opposed the Bill—the No. Carolinians & New Yorkers got displeased, & on putting the question for the passing of the Bill, it was fortunately *rejected* by a majority of *one*; it had however the votes of my three Colleagues. I have observed that Sumpter regularly votes for any thing required by Georgia or Virginia. Burke is also a great friend to that State, notwithstanding her Members execrate us & do us all the Injury they can. The No. Carolinians are now keen for a general assumption; Massachusetts also wishes it & we shall probably now have the aid of Georgia, which we were about to lose.

There only remain now unassumed about four or five Millions, of which one fifth is thrown upon us, which is unequal as we are only about 1/14th or 15th of the Union⁹¹—Jackson has behaved thro this whole business in a manner which has excited the greatest indignation in my breast: so much rancour against our State, all proceeding from a mean Envy & a desire to see her sink under the pressure of her debt!! I told Williamson that it was thought by some persons in So. Carolina that one cause of opposition to the Assumpt. on the part of his State was an apprehension that we should flourish too rapidly when relieved from our burdens: he seemed to feel a conscious Shame.

Trumbull is painting a magnificent Picture of the President; the figure 7 foot high—a great likeness—it is for the Corporation of New York who are to give a hundred Guineas for it—I saw it yesterday & I felt fired with desire to have such a one in Charleston—can't our Corporation do the same? Would the Citizens of Charleston contribute to such a gratification with less Zeal than those of New York? I think not—suppose then you feel the pulse of the Corporation; if they are not warmed with the bare mention of it, say no more to them, but inquire

⁹¹ Smith had success in getting four millions of the S. C. debt assumed out of a total state debt of approximately five and a half millions. Smith was, therefore, intent on getting the remainder of the state debt assumed at some later date. With the final settlement of accounts among the states S. C. did receive a sum (\$1,450,000) about equal to her remaining state debt. One of the strongest reasons for S. C.'s joining the Union was to have her state debt assumed. Ferguson, *The Power of the Purse*, p. 332.

whether a hundred Guineas cannot be presently raised by Subscription for the purpose, & put my name immediately after yours for the same sum you subscribe; or let the Expense be divided equally among all the Subscribers: such an opportunity may never offer again—if I receive your orders, I will prevail on Trumbull (with whom I am very intimate) to send you a Peice of Painting for the decoration of our new State house which will delight your eyes all the rest of your Life.⁹²

I received by Elliott a Letter from one Thomas White, who requires my assistance in some business he wishes to be done here & who informs me that he writes to me under your auspices; you said nothing about him in your last: Who is he? He has written me a long detail of grievances but does not explicitly inform me what he wants done.

Your answer to the various objections against our new Constitution has afforded me much satisfaction; it will assist me in removing those objections when I hear them re-iterated; I believe they sprang from inattention to considerations which should always be taken into view in framing an opinion of a government calculated for a particular State; general principles won't always apply: a citizen from a compact Eastern State, like Connecticut, will require a frame of government which would be altogether disgusting to a state thinly settled, with an extensive back-country: accordingly old Roger Sherman⁹³ thought we might have made a better constitution; but when I entered into the explanation necessary to make him relish it, he thought better of it. For my part, I am very well satisfied & consider myself, as a citizen of So. Carolina, under very great obligations of gratitude to you & your friends, whose Labors obtained such advantages for the Low Country & established a constitution which I beleive will promote the tranquillity & welfare of the State in general.

The President has concluded a Treaty with McGillivray & the Creeks:⁹⁴ it is now before the Senate for their consent. I was present at the Talk delivered by General Knox on the occasion & at the signing

⁹² The City of Charleston eventually did acquire such a painting of Washington by John Trumbull. Trumbull described the painting and Smith's part in obtaining it for the city in his autobiography, *Autobiography, Reminiscences and Letters of John Trumbull, from 1756 to 1841* (New York, 1841), pp. 166-167.

⁹³ An important member of the Constitutional Convention of 1787 from Connecticut.

⁹⁴ Washington and Alexander McGillivray signed a treaty on Aug. 7, 1790. By this treaty the Creeks "won back some of the land forced from them by Georgia in the 1780's." This treaty was denounced in Ga. "as a violation of states' rights." Reginald Horsman, *Expansion and American Indian Policy, 1783-1812* ([Lansing,] 1967), p. 72.

of the Treaty: your nephew John, Harry Izard, & my brother signed as witnesses to it.⁹⁵ The boundary Line is settled & proper arrangements adopted to ensure amity hereafter between the U. S. & Creeks. The Georgians will however, I fear, be much dissatisfied with it, as it takes from them some Lands which they claim & will deprive their Land-speculators of further opportunities of taking possession of Lands to which they never had any claim. I had some conversation with McG. just before the Treaty was signed; on my expressing a satisfaction that matters were brought to a happy issue, he replied that his Nation had been always much pleased with the conduct of So. Carolina & had been well treated by us, that the direct contrary was the Case with Georgia whose citizens thought too highly of their own power & too meanly of that of his Nation: that he had given the Georgians in the present Treaty a line more favorable than they had any right to expect, because he was disposed to make great concessions for the sake of peace. He & his friends are much gratified by the kind treatment they have met with; they could not have fallen into better hands than the President's & Knox's, who vie with each other in acts of friendship. McGillivray lives with Knox, at which house I am very intimate; they pass this Evening & sup with us: McG. says that his life has been a constant scene either of actual warfare or preparation for it, ever since he has had the command of the Nation, & he now anticipates with pleasure the tranquil enjoyments of peace. They return shortly by water, but have not yet determined at what port they shall land; If in Charleston, I hope their favorable impressions will be justified by the reception they will meet.⁹⁶

The Law for the Settlement of accounts between the Un. States & the individual States has passed. The Commissioners are not yet appointed; the Virginians tried hard to have two additional Commissioners believing that one would be from their State, but the Senate would not concur: after the Law had past, they manoeuvred so effectually as to get a supplementary bill thro' our house, but it was immediately rejected by the Senate: Some time ago the Virginians, believing that their Claims were very enormous, joined in a motion, directing the Commissioners to lay before the House the amount of the Claims of the several States, & to state the grounds & principles on which the various claims were founded: this was accordingly done, & the Commissioners reported that

⁹⁵ John Rutledge, Jr. (1766-1819), Henry Izard (1771-1826), and Joseph Allen Smith (1769-1828). To let these very young men sign as witnesses of the treaty must have been a friendly gesture made by Washington to Smith and Izard.

⁹⁶ Alexander McGillivray had been educated in Charleston. *American Apollo*, I (No. 4, Part 2), 35.

those of Virginia were brought forward in so confused & indigested a shape that they could not make head or tail of them, that they were at a loss by what rule to ascertain the specie value of the several charges some of which were beyond all calculation & they instanced a horse which was charged at 400,000 dollars, & which at the continental scale of 40 for 1 would make the *specie* charge of 10,000 dollars for a horse: the rest of the regiment was charged at nearly the same value. This report was taken in high Dudgeon by the antient dominion who complained sadly of partiality & prejudging, when in fact the Commissioners had done nothing more than they were directed by the Virginians themselves to do. They now affect to predict an unfair settlement & that their State will not have justice; the fact is that every honest man would cut off at least half their claim; this they are aware of & now want to impute such curtailment to undue bias.⁹⁷

The President has (I suspect) been made acquainted with the uneasiness of that State, for he kept back the Bill for settling the accounts until the supplementary bill had been agreed to; he then signed it (on the last day) beleiving the supplementary bill would pass & I imagine he would have sent it back with objections had the supplementary bill not passed our house: they are however all much disappointed at the rejection in the Senate. The President is now embarrassed about the appointment of the Commissioners. The Virginians complain of the late Commissioners & the President is afraid of giving offence if he should appoint others. I beleive Kean will be reappointed; I hear him generally spoken well of; his abilities & integrity give much confidence; I have a particular regard for him, because I have had proof of his worth.⁹⁸

It is now necessary, my dear Sir, that some immediate steps should be taken for the Exhibition of our claims; our Senators have received a Letter from the Governor⁹⁹ in answer to one written to urge him to an attention to this important business; in his Letter he informs them that he & the Council were of opinion that Congress would send some Commissioner into the State, & that it would be advisable to wait the meeting of the Legislature; no Commissioner is to be sent & even were one sent it would not be his duty to gather up our scattered claims, he would only receive & examine them when tendered to him by the state agent. A State agent must at all events be appointed & the sooner the better: I had much trouble in obtaining further time to 1st July next;

⁹⁷ Virginia apparently got most of what she wanted. See Ferguson, *The Power of the Purse*, pp. 323-324.

⁹⁸ John Kean was appointed one of the three commissioners to settle the accounts among the states.

⁹⁹ Governor Charles Pinckney.

the Eastern members were for allowing but a few months, & it would be provoking that with these advantages all our claims should not be brought forward. The Governor & Council should in my opinion proceed without further delay to appoint an agent for the purpose of collecting & transmitting our Claims with the necessary Vouchers: If they won't undertake to make the appointment let it be done the moment the Legislature meets; at my request Kean has drawn up the form of the act, with a specification of the proper evidence necessary to substantiate the claims: I thought from his experience of this business he could best point out the species of evidence which would be admissible, & that his ideas might tend to throw light on the subject & facilitate the arrangements. I enclose you his observations (with a draught of the Act): if you mean to make use of them, they should first be copied, as from prudential reasons, his hand-writing ought not to appear.

August 13th. The adjournment took place yesterday, to meet the first Monday in December at Philadelphia—The Treaty with the Creeks received yesterday the assent of the Senate, dissenting Butler, Walker, Gunn, & Few.¹⁰⁰ It is to be ratified with great Solemnity this morning in the great Hall of the Representatives by the President & such Members of Congress as remain, with McG. & all the Chiefs &ca., &ca.¹⁰¹

The three former Commissioners Kean, Gilman, & Irvine are re-appointed; there is now a prospect of this great Settlement being accomplished.¹⁰²

Mr. Izard's family, with Mrs. S. are going in a few days to Lebanon Springs near Albany: I shall make a Tour into Connecticut & the back parts of Massa. & this State & Vermont & then meet the Lebanon party—we shall return here about the middle of September & leave this City for Philad. the end of October.¹⁰³

The President sets off in a fortnight for Virginia, he says he has not sufficient time to go to So. Car. & Georgia this year, but proposes to make his grand Tour in the Spring, should Congress be in recess. I shall make my Visit to my friends at the same time.¹⁰⁴

¹⁰⁰ Butler of S. C., James Gunn and William Few of Ga., and John Walker of Va.

¹⁰¹ For a description of the ceremony see John Walton Caughey, *McGillivray of the Creeks* (Norman, Okla., 1938), p. 278.

¹⁰² Ferguson gives William Irvine, John Taylor, and Abraham Baldwin as the former commissioners. Baldwin, however, did not serve. Ferguson, *Power of the Purse*, p. 218n.

¹⁰³ These travels (including Smith's tour of R. I. with Washington) are described in Rogers, *Evolution of a Federalist*, pp. 208-217.

¹⁰⁴ Washington did visit S. C. in 1791, but Smith did not accompany him.

The Creeks sail soon for Georgia, they are to go as far up the Altamaha as they can.

Mrs. Smith requests her best respects to Mrs. Rutledge, who I am happy to hear has much improved in her health. Please to add my Respects. Henry is well—Continue to direct to me here.

I am, my dear Sir, with every Sentiment of affection & regard,
Yours &ca.

Wm Smith

P. S. Aug. 16. The President having done me the Honor to invite me to be of his Party to Rhode Island, I have so far altered my plan as to visit that State before I go to Connecticut—we set off this morning & I shall either return here with the President or proceed on from Providence to Hartford &ca. Mr. Izard's family & Mrs. S. set off day after tomorrow—

(To be continued)