

THE INDISPENSABLE MR. JAY
AND GEORGE WASHINGTON'S VALEDICTORY

For nearly a quarter of a century, John Jay proved himself indispensable to the cause of American liberty and the establishment of the United State of America. The positions that Jay held were so numerous they consumed an entire page when he took the time to write a partial history of his career as a public officialⁱ. The more notable positions held by Jay were that of president of the Continental Congress, first Chief Justice of the State of New York during which period he served on a committee to draft the state's first constitution which provided for a bicameral legislature that would ultimately be included in the U.S. Constitution. In a letter to Robert R. Livingston and Gouverneur Morris he regretted that the issue of slavery had not been dealt with in the state constitution, "I should also have been for a clause against the continuation of domestic slavery."ⁱⁱ Jay was also Minister Plenipotentiary to Spain during the Revolutionary War and he worked for Spain's support and financial assistance for the American cause. He was key to the negotiations as Peace Commissioner to the Treaty of Paris and Minister of Foreign Affairs under the Articles of Confederation. He co-authored *THE FEDERALIST* with Alexander Hamilton and James Madison and their efforts led to the ratification of the Constitution in New York state. In support of the ratification efforts in New York State, Jay also wrote a pamphlet entitled *AN ADDRESS TO THE PEOPLE OF NEW YORK*. He sent a copy of the pamphlet to George Washington who wrote to Jay from Mount Vernon in the spring of 1788, "The good sense and moderation with which it is written cannot fail, I should think, of making a serious impression even among the anti

Federalists.”ⁱⁱⁱ

John Jay earned the trust and admiration of George Washington for his many years of loyal service to his country and on a number of occasions proved himself indispensable to Washington and the nation. During the Revolutionary War, Jay aided Washington and the war effort in a number of positions. He was a member of the Committee for Detecting Conspiracies in the New York area and oversaw the prosecution of prominent Loyalists. After the British occupied New York in the summer of 1776, Jay sat on another committee whose purpose was to harass and obstruct the British in the Hudson River Valley which was then known as the Neutral Ground and was a hotbed of espionage. Jay also maintained a network of agents in the area and provided Washington and his staff with information vital to the defense of the area. Years later when Jay was in retirement at his farm in Bedford, New York, he recounted tales of these exploits to the author, James Fennimore Cooper, who incorporated them into his novel *THE SPY*. Circumspect as ever, Jay never revealed the identity of any person involved in these exploits and they remain a secret to this day.

Washington’s high regard for Jay was demonstrated in 1789 when, as president, Washington offered Jay the position of his choice in the new government. While others such as James Wilson and Robert Livingston were also considered for Chief Justice, Washington needed a man who was not only an eminent lawyer but who was well regarded and known to the nation. James Madison stated that Jay was “known by character throughout the United States”^{iv}, and in John Jay, Washington had found such a man that “the love which you bear our country, and a desire to promote general

happiness, will not suffer you to hesitate a moment to bring into action the talents, knowledge and integrity which are so necessary to be exercised at the head of the department which must be considered as the key-stone of our political fabric.”^v

Jay was interested in the position of Chief Justice of the Supreme Court and the cases that would obviously come before the new federal courts involving international issues, particularly the right of British creditors to sue American debtors, and boundary disputes. Having been one the chief architects of the Treaty of Paris, Jay was deeply concerned that the provisions of the treaty be enforced. He was also a strong supporter of the new federal government, and his charges to the juries during his tenure as Chief Justice were resounding endorsements of federalism.^{vi} In thanking Washington for appointing him Chief Justice, Jay wrote “When distinguished Discernments & Patriotism unite in selecting men for Stations of Trust & Dignity, they derive Honor not only from their offices, but from the Hand which confers them.”^{vii} On September 26, 1789, John Jay was sworn in as the first Chief Justice of the United States Supreme Court. The Federal Judiciary Act of 1789 had created a system of circuit courts for each state and the members of the Supreme Court were obligated to ride circuit and hear cases. Jay’s territory was New York and New England and his Circuit Court diaries reflect that Jay was away for six months at a time traveling under difficult conditions and having to make do most of the time with less than adequate accommodations. The Justices were also opposed to the notion that they must hear cases in Circuit Court that might ultimately be appealed to the Supreme Court.. In August of 1792, the members of the Supreme Court petitioned Congress for relief from the excesses of riding circuit, but to

no avail. This routine was interrupted when Jay traveled to Philadelphia in April of 1794 to preside over a circuit court session. He dined with President George Washington on several occasions and the two of them discussed the threat of war between America and Great Britain, recognizing that the British were not fulfilling various terms of the Treaty of Paris. Washington ultimately asked Jay to be a special envoy to England to remedy the Treaty violations by England and Jay accepted. The treaty that was to bear Jay's name was negotiated at a time when the new nation could ill afford to go to war with Great Britain. America's defenses had suffered greatly under the Articles of Confederation and its western frontiers were occupied by warring Native American tribes who were allied with the British military from their outpost forts. The country was divided upon a course of war or diplomacy. Alexander Hamilton wrote to George Washington recognizing the danger of war and the need to send an envoy to England and praised an appointment of John Jay to the post. "Mr. Jay is the only man in whose qualifications for success there would be thorough confidence and him whom alone it would be advisable to send."^{viii} Washington wasted no time in appointing Jay to the post. In November, 1794, the Jay Treaty, as it is now known, was signed and, if little else, secured a much needed peace for the United States with Great Britain. The restrictive commerce clauses caused an outcry in the country and Jay was openly burned in effigy and denounced. The Jay Treaty did assure one thing - the continued existence of the United States and the unification of the East to its Western frontiers. Upon his return to the United States in May of 1795, Jay discovered not only great opposition to the treaty, but he learned that he had been elected Governor of the state of New York.

He had not

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campaigns for the position nor sought it in any way, but in the gubernatorial elections of 1792 and 1795 he permitted his friends to take up the gauntlet for him by proclaiming publicly Jay's availability for the post. The 1792 election against George Clinton was clouded by accusations from Jay's supporters of disputed election returns in a number of upstate counties. Jay made no attempt to dispute the 1792 election but in 1795, there was no concern of disputing the results because of the clear majority given to Jay by the voters. Tired of the rigors of riding circuit and by the refusal of the federal government to grant funds for the creation of independent circuit courts, Jay no longer felt an obligation to Washington to continue as Chief Justice, but could resign with dignity to heed the call of the New York electorate and assume the position of Governor of the state of New York. On June 29, 1795, Jay sent his resignation to President Washington. The letter was brief and to the point citing the necessity of taking office as governor. He went on to express his deep feelings for his service to and his "attachment" to his country - "The repeated marks of national confidence with which I have been honored, have made deep and lasting impressions on my Mind and Heart - Permit me to assure You Sir ! that no change of Situation will ever abate my attachment to the United States."^{ix} On July 2, 1796, John Jay was sworn in as governor of the state of New York in his home on Broadway in New York city.

It would seem that Washington, who himself had decided not to seek a third term as president and would no doubt retire to his beloved Mount Vernon, would have no further

need of John Jay's remarkable talents for public office. Jay had served his country

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honorably and with distinction, not hesitating to undertake difficult or unpopular assignments. Time and again Washington chose Jay as the best and only person in the nation to complete a number of challenging tasks. Jay's personality and legal training never failed him in these endeavors. His acute understanding of any given situation, the parties involved, his innate patience, character, circumspection and legal training carried the day and he never failed to disappoint Washington. Yet, Washington had one last request to make of Jay and one that would have far-reaching consequences no one could possibly imagine at the time. It was the indispensable Mr. Jay and his enduring credibility and the high regard his fellow countrymen had for him that was to have a clear and decisive role in the controversy over the authorship of one of the most revered documents in American history - George Washington's Farewell Address.

The idea of a farewell address or "valedictory" as it was then referred to, first came to light in May of 1792. Washington had resolved not to seek another term and asked James Madison to assist him in drafting a valedictory address. The two men conferred about the address on several occasions and, after making extensive notes, Madison prepared a draft that used Washington's own words in many instances. Madison urged Washington not to deliver the address before Congress, but to have it printed in the newspapers as "a direct address to the people who are your only constituents."^x At the urging of his Cabinet and close friends, Washington reluctantly agreed to run for a second term and the draft of the Farewell Address was filed away until May 15, 1796

when Washington sent Alexander Hamilton a first draft of his retirement address.

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Washington was determined to retire and wanted the address to reflect his desire not to run for re-election four years before as justification that he had no intention to extend the power of the executive branch of government nor that he was now retiring due to a diminution of his popularity and feared not being elected to a third term due to his support of the unpopular Jay Treaty. John Jay was not alone in his wish to see Washington remain in office for another term when he wrote to Washington in April, 1796 beseeching him not to “leave the work unfinished,” but to “remain with us while the storm lasts, and until you can retire like the sun in a calm unclouded evening.”^{xi}

Washington wrote to Jay that the duties of the office had taken a toll on him, what with his aching back, bad dentures and rheumatism, and he wished that events would allow him to retire with honor to Mount Vernon.^{xii}

Washington saw the necessity of revising the four year old draft to include his views on foreign affairs, the development of partisan politics, and his desire, after 45 years in public service, to retire to Mount Vernon. He sent his edited version to Alexander Hamilton, in whom he had great confidence and Hamilton agreed to assist Washington in the revision of such an important document. Madison was not approached for this project since he no longer shared the federalist sentiments of Washington and had by now, with the emergence of political parties in the country, become a Republican and critic of Washington.

Washington had long relied on Hamilton's assistance in drafting documents for him.

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Hamilton drafted the rules of etiquette for Washington's administration and, on another occasions, Hamilton had written an outline of topics for discussion in Washington's address to Congress in 1790. Washington's letters to the President of the National Assembly of France in 1792 and his speech to Congress in that year were also edited by Hamilton. The opinions expressed in these documents were first and last Washington's and he alone did the final editing. Hamilton reworked the drafts into a form acceptable to Washington without altering the substantive content. The thoughts were Washington's and Hamilton did nothing on these occasions to digress from them, being in agreement with Washington.

The entire process of drafting the Farewell Address started in May, 1796 and concluded with publication of the Address on September 19, 1796. Washington's regard for Hamilton's abilities were expressed in his letter to Hamilton of May 15, 1796 when Washington sent Hamilton his hand written draft of the Farewell Address - "Even if you should think it best to throw the *whole* into a different form, let me request, notwithstanding, that my draught may be returned to me (along with yours) with such amendations & corrections, as to render it as perfect as the formation is susceptible of; - curtailed, if too verbose; - and relieved of all tautology, not necessary to enforce the ideas of the original or quoted part. - My wish is, that the whole may appear in plain stile; - and be handed to the public in an honest; - unaffected; - simple garb. - "^{xiii} Washington was explicit in his instructions to Hamilton as to what he desired in the address as far as style

and substance, even suggesting that Hamilton disregard the first draft and write

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something entirely of his own making when he wrote in the same letter “All the ideas, and observations are confined, as you will readily perceive, to *my draft* of the valedictory Address. - If you form one anew, it will, of course, assume such a shape as you may be disposed to give it, predicated upon the Sentiments contained in the enclosed Paper.”^{xiv}

Those “Sentiments” were Washington’s and he expressly desired not to have them altered by Hamilton but to concentrate on the manner of the presentation of his “Sentiments”.

Hamilton then drafted an Abstract of ideas to be discussed in the address which

Washington never saw. Washington was deeply concerned about the address and that it be more than appropriate for the occasion, appeal to the American people and have an enduring quality. At this juncture, Washington once again relied upon John Jay and his wisdom and experience. Washington suggested to Hamilton on June 26th that he consult John Jay before making any changes in his draft. “...- and as I have great confidence in the abilities, and purity of Mr. Jay’s views, as well as in his experience, I should wish his sentiments on the purport of this letter; -”^{xv}

Washington then went on to suggest to Hamilton that he make whatever changes necessary but to return Washington’s draft to him with comments. On July 5th Hamilton wrote to Washington and said “I have completed the full draft of a certain paper & shall shortly transcribe correct & forward it - I will then also prepare & forward without delay the original paper corrected upon the general plan of it so that you may have both before you for a choice in full time & for alteration if necessary - .”^{xvi} Sometime between Washington’s letter to Hamilton dated June 26th and Hamilton’s reply on July 5th, Hamilton did meet with John

Jay to discuss the Address. The two met at John Jay's grand stone house on Broadway.

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At the meeting, Hamilton presented Jay with Washington's draft and suggested that it needed editing to which Jay agreed. It was decided to leave Washington's draft untouched and to write a new address with the suitable changes. Hamilton then read the new draft aloud and both men agreed to some changes which Jay described as "...none of much importance".^{xvii} This meeting and John Jay's enduring credibility, were to take on a significance that the two men could never imagine at the time they met and would become central to a national debate about the authorship of the Farewell Address.

On July 5th, Hamilton wrote to Washington that he had completed a draft which he would send to Washington along with Washington's draft. Hamilton returned Washington's draft and the new draft that he and Jay had worked on to Washington on August 10th. Washington then returned Hamilton's draft to him on August 25th writing "I have given the Paper herewith enclosed, several serious & attentive readings; - and prefer it greatly to the other draughts, being more copious on material points; - more dignified on the whole; - and with less egotism".^{xviii} Washington mentioned some additional revisions by him to the draft and then asked Hamilton which Philadelphia newspaper editor he would advise the address to be sent to for publication. A week later, on September 1st, Washington wrote to Hamilton that he would like a section to be included concerning general education and the establishment of a national university "Let me pray you, therefore, to introduce a Section in the Address expressive of these sentiments, & commendatory of the measure - ...".^{xix} Washington, still relying on Jay for advice,

sent him a copy of the draft for final review. On September 6th, Hamilton sent the final draft

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to Washington who then showed the final draft of the Farewell Address to his Cabinet. Secretary of State, Timothy Pickering, reviewed the draft and returned it to Washington on September 16th with no changes to the document. On September 19th John Jay replied to Washington's request for a final review of the address by suggesting the elimination of the word *expected* with regard to favors from a nation. Jay wrote "I think it would be more safe to omit the word *expected* and retain only the words *not to be calculated upon*, which appears to me to be quite sufficient".^{xx} This is totally in keeping with Jay's legal background and propensity and adherence to precise language. Jay's letter arrived too late for Washington to act on and was superfluous, for on September 15th, Washington sent a handwritten letter to David C. Claypoole, the owner of the *Philadelphia Advertiser*, asking for a meeting between the two during which Washington informed Claypoole that he wished to retire and that he had an address for the American people that contained some thoughts he considered important to convey. A date of September 19th was set for the publication of the Address in Claypoole's newspaper and Washington told Claypoole that his secretary, Col. Lear, would deliver the Address written in Washington's own hand the next morning. Claypoole prepared several *proof sheets*, comparing them with Washington's Address. Claypoole then returned the Address to Washington along with his *proof* for Washington's review. The president made some final punctuation changes and the Farewell Address, dated September 17, 1796, was published two days later on September 19th. In returning the document to

Washington, Claypoole expressed his regret "...at parting with it...upon which, in the most obliging manner, he handed it back, saying that if I wished for it, I might keep it".^{xxi}

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It seems extraordinary that after Washington's insistence with Hamilton that his draft be returned to him that he would part with it so readily to a stranger, but then Washington had no idea that his Farewell Address would become one of the most important and enduring documents in American history. Perhaps his insistence on Hamilton's returning the draft to him was done more out of concern that his political foes might learn of the document and leak its contents to the public ahead of Washington's plan for publication in a newspaper.

The subsequent journey of the document is a tale in and of itself. When Claypoole died in 1849 after surviving three wives and 13 children, the Farewell Address was part of his estate. A separate auction was scheduled for February 12, 1850 at the Philadelphia Exchange and the document was being offered as the original manuscript. The document's historic significance was recognized by none other than Henry Clay who introduced a resolution in the U.S. Senate for the purchase of the document by joint committees of the Library of the Senate and House of Representatives. During discussion of the proposed legislation, Sen. Jefferson Davis of Mississippi, the future president of the Confederate States of America, questioned the wisdom of the purchase of a corrected copy of the Address and further stated that the nation already possessed enough of Washington's documents and there would be no benefit to the country to purchase this one. The resolution passed the Senate and in the House, future president of

the United States, Andrew Johnson of Tennessee, stated that it was a scheme to extort money from the Treasury. On February 12th, the resolution passed the House by a vote

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of 103 to 45 on the very day that the Farewell Address was sold at auction to James Lenox of New York city for \$3,200.00. Lenox, a noted bibliophile and philanthropist, published the address two months after the auction and kept it in his private library until it was put on public display at the Lenox Library on New York city in 1885 where it remained of great interest. When in 1911, the Lenox Library was consolidated into a new corporation of The New York Public Library, Astor, Lenox and Tilden Foundations, the document was removed to its present location and is exhibited on occasion.

After the publication of the Farewell Address in Claypoole's *American Daily Advertiser*, without editorial comment, it was reprinted in most of the American newspapers as well as some European journals. State legislatures passed resolutions honoring George Washington. The outpouring from the nation in editorials and personal letters to George Washington in appreciation for his service to his country and regret at his retirement touched Washington - "...and that not less so when expressed by an individual Citizen."^{xxii} The opposition printed his Address, but remained silent for the most part and focused on Washington's retirement as news. Prominent Republican journalists, William Duane of the *Republican Aurora* and Benjamin Edes of the *Boston Gazette and Weekly Republican Journal* criticized Washington and his address. John Jay expressed his disappointment with the opposition's criticism of the Address by noting the "...very little

Respect and Decorum^{»xxiii} attached to their criticism.

The Address was published under many titles but credit should be given to George Hough

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of the *Courier of New Hampshire* in Concord, when he reprinted the address under the title by which it is now known “Washington’s Farewell Address”. The demand by the public for copies of the address necessitated numerous reprinting by newspapers throughout the country. So it would seem that Washington’s Farewell Address had become a treasured document for the nation and it’s authorship beyond doubt. Such was not the case. When Washington died in 1799, Alexander Hamilton wrote to Col. Lear and in a post script asked “In whose hands are his papers gone? Our very confidential situation will not permit this to be a point of indifference to me.”^{»xxiv} These words were prophetic and in just a few years a national controversy arose that questioned whether Washington had indeed written his Valedictory. The controversy involved several presidents, members of the Supreme Court, a legion of other notable Americans and the indispensable Mr. Jay.

The story that unfolded and erupted into a national controversy began shortly after Hamilton’s death in 1804 when Timothy Pickering learned of some papers in the Hamilton estate that related to Hamilton’s role in the drafting of the Farewell Address from Rufus King, a lawyer, diplomat and Federalist. It seemed that the family was disposed to believe, and might make public, the notion that Hamilton and not Washington

was the author of the Farewell Address. The rumors took on another dimension when in 1810, Nathaniel Pendleton, one of the executor's of Hamilton's Will, was searching through some of Hamilton's documents and made an unexpected discovery. Pendleton, a U.S. District judge and revolutionary war veteran, came across

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Hamilton's draft and Abstract of the Farewell Address. Being concerned about rumors circulated by the Hamilton family and friends about Hamilton being the author of the address, Pendleton had the papers delivered to Rufus King to be kept in his custody. King and Pendleton believed Washington to be the author of the Address and neither of them wanted Mrs. Hamilton to take possession of the papers. Pendleton was also concerned that as an executor of the Hamilton estate, he might be subject to inquiries about the documents and their content.

In 1811, Judge Richard Peters, who lived outside Philadelphia, wrote to his good friend, John Jay about the tales being spread in Philadelphia concerning the Farewell Address. Peters, a U.S. District judge, and known as a great conversationalist and wit, corresponded with John Jay, on a variety of subjects, especially his agricultural experiments, which Jay often put to good use at his farm. Peters wrote to Jay about his ever-growing concerns about the "Buzz" that Hamilton was the author of the Farewell Address and the tales being spread by William Lewis, an attorney in Philadelphia. "...I am always hurt when I hear anything which tends to break what remains of the *Charm* his [Washington's] Name once possessed. ...I do not believe that he [Hamilton] wrote it. I do not believe he did more than *dress* it; and most likely interweave some good Things.

The Circumstance of their being found in Hamilton's Writing is not complete Proof. I know that they are also found in the General's own Hand Writing...& what I say about the Bundle of Letters (never intended to see the Light) is strictly true. Mr. King, it is said has a Copy in Hamilton's Writing. But I know there is also a complete Copy in that of

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the General; as well as Heads of most of the Matters previous to composing it. Our *Lewis* is constantly blabbing, *as a great Secret* (he had either personally, or from Dr. Mason) the Affair of the Farewell Address.^{”xxv} In Peters' letter we can begin to realize the extent of the controversy and the rumors, speculation and tales being told about the Address. It is from this letter that John Jay first learned about the draft and complete copy of the Address in Hamilton's handwriting and that they are in a bundle of papers held by Rufus King. Up to this point, Jay had remained silent on the subject but his written response to Richard Peters on March 29, 1811 catapulted Jay into the controversy and made him a central figure in the debate. It was his abiding character and credibility with the nation, and the fact that he alone was the last surviving participant in the Valedictory episode, that made his involvement so important and vital to the debate.

Jay responded to Judge Peters in a seven-page letter which was written in Jay's lawyerly-like and reasoned manner. “Your letter conveyed to me the first, and only information I have received, that a copy of President Washington's Valedictory Address had been found among the papers of General Hamilton, and in *his* handwriting; and that a certain gentleman had also a copy of it, in the *same* handwriting. This intelligence is

unpleasant and unexpected. Had the address been one of those *official* papers which, in the course

of affairs, the Secretary of the proper department might have prepared, and the President have signed, these facts would have been unimportant; but it was a *personal* act, of choice, not of official duty, and it was so connected with other obvious considerations as that he only could with propriety write it. In my opinion President Washington must

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have been sensible of this propriety, and therefore strong evidence would be necessary to make me believe that he violated it. Whether he did or not, is a question which naturally directs our attention to whatever affords presumptive evidence respecting it, and leads the mind into a long train of correspondent reflections. I will give you a summary of those which have occurred to me; not because I think them necessary to settle the point in question, for the sequel will show that they are not, but because the occasion invites me to take the pleasure of reviewing and bearing testimony to the merits of our departed friend.^{”xxvi} Jay then embarked on a defense and explanation of Washington’s ability to write such an address and he states firmly that the premise upon the notion that Hamilton was the author of the Address “will be found too slight and shallow, to resist that strong and full stream of counter-evidence which flows from the conduct and character of that great man; a character not blown up into transient splendour by the breath of adulation, but which, being composed of his great and memorable deeds, stands, and will forever stand a glorious monument of human excellence.”^{xxvii} Jay discussed Washington’s honor, principals and integrity rooted in the legacy of his forefathers and his handling of all manner of obstacles in national affairs, military and political. - “Is it to be believed

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after having thus led the nation out of a bewildered state, and guided them for many years from one degree of prosperity to another, he was not qualified, on retiring, to advise them how to proceed and go on? And what but this is the object of and the burthen of his Valedictory Address?^{xxviii} Jay then pursued the numerous public writings of Washington that had been published and the notion that Washington was sensible to the idea that his Address was intended for the nation, foreign countries and future generations and that

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Washington would undoubtedly devote more time and effort to the Address than on his other writings and employ the talents and judgment of a close associate - "He knew that authors like parents, are not among the first to discover imperfections in their offspring, and that consideration would naturally induce him to imitate the example of those ancient and modern writers, (among whom were statesmen, generals, and even men of consular and royal dignity,) who submitted their compositions to the judgment of their friends before they put the last hand to them."^{xxix} Nor could Jay find it conceivable that anyone would approach Washington with the offer to write such an Address because Washington's was so inferior to the occasion and that Washington would accept such an offer. It was then that Jay related the facts of his meeting with Hamilton for the purpose of reviewing the Address - "Thus much for presumptive evidence, I will now turn your attention to some that is direct. The history, (if it may be so called) of the address is not unknown to me; but as I came to the knowledge of it under implied confidence, I doubted, when I first received your letter, whether I ought to disclose it. On more

mature reflection I became convinced that if President Washington were now alive, and informed of the facts in question, he would not only authorize, but also desire me to reduce it to writing; that when necessary it might be used to invalidate the imputations to which those facts give colour.”^{xxx} Jay did not think that the time was right for the disclosure of his account of the drafting of the Address, but thought that it would be inevitable at some future date and he was concerned that he might be disabled or dead by then - “Whether I shall then be alive, or in capacity to give testimony is so uncertain, that in order to avoid the risqué of either, I shall now reduce it to writing, and commit it to

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your care and discretion, “De bene esse” as the lawyers say.”^{xxxi} After displaying such extraordinary confidence and trust in his friend, Jay succinctly described his meeting with Hamilton. Hamilton stated to Jay that he had received a letter from Washington along with a draft of a Farewell Address that Washington wished to have reviewed by the two men. Hamilton thought that some revisions were in order but he wanted to leave Washington’s written draft untouched “and in its fair state”.^{xxxii} Hamilton had written a revision of the Address which he then read to Jay - “This being agreed to, he read it, and we proceeded deliberately to discuss and consider it, paragraph by paragraph, until the whole met with our mutual approbation. Some amendments were made during the interview, but none of much importance.”^{xxxiii} Jay suggested further review of the draft but Hamilton was pressed for time and left. Jay later wrote to the President about a minor change in the Address but his letter arrived after the document was sent in its final form to the publisher for printing.

From Jay's letter it can be further established that Washington's draft was left untouched and of the confidential nature of the drafting of the address beyond Washington's hopes for the document. It would seem that Jay, Robert Troup, a close friend of Hamilton, and Hamilton's wife, Eliza, were among the few people who knew that the address was being revised by Hamilton. Eliza Hamilton spent most of her life trying to establish Hamilton as the author of the Address and principally for the sake of her children so that they might be fully aware of their father's great contribution to his country. She testified almost forty years after the death of her husband that Hamilton had written the document

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"...principally at such time as his office was seldom frequented by his clients and visitors and during the absence of his students to avoid interruption;..."^{xxxiv} Further proof of the highly confidential nature of the drafting of the address is that neither Washington nor Hamilton spoke of it and neither did Jay until he was convinced that it was necessary to have some confirmation of the facts in writing by the last surviving principal and Jay insisted on confidentiality for many years.

Judge Peters wrote to Jay in April and spoke of receiving Jay's letter and about the stories being spread regarding the controversy, particularly by William Lewis, an attorney in Philadelphia and strong supporter of Hamilton. "The Story is circulated even now, & the old Saying Fama crescit eundo is verifying. A Fondness for revealing Secrets is one Reason for its Circulation *buzzingly*. Malevolence and Envy operate strongly with those who keep such Things by them, for secret *now* - by & by - for *open* Purposes; & will at the proper Time for such Purposes display it. Nothing can be a stronger Bulwark against

their Attacks, than your Letter.”^{xxxv} Concerned about the rumors and misinformation that was going about, Jay replied to Peters “I endeavoured to write those Facts with great

Precision - ...In affairs of this kind there cannot be too much Circumspection”^{xxxvi} Circumspection was certainly one of the hallmarks of Jay’s character but even he was concerned about the rumors spreading. He and Peters discussed the situation in several letters through October and the role of Dr. John Mitchell Mason, a theologian and popular orator at the time and admirer of Hamilton. Mason was working on a biography of Hamilton and was threatening to publish the letters and documents found among

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Hamilton’s papers. Through Jay and his reputation and the implied existence of Jay’s letter, Peters was able to restrain Mason from publication of the documents in question. Jay was expecting a visit from Mason later that year and intended to discuss the situation with Mason, but the visit never occurred. Jay’s deep concern for the reputation of Washington and the disclosure of the facts of the episode in the face of all the accusations and rumors of the time continued unabated. It was in October, 1818 that Mrs. Hamilton saw fit to visit Jay at his Bedford farm. She mentioned that Dr. Mason had abandoned his biography of Hamilton due to poor health and had given her all the papers that he had been using for the Hamilton biography. She also brought up the subject of the Farewell Address and said to Jay that her husband had written the draft of the Address. Jay, in his letter to Judge Peters about the meeting, wrote that he stated to Mrs. Hamilton “The General [Hamilton] himself told me , that the President had sent him a draught. She replied, that she had seen the President’s letter to the General about it, and that in it he

desired the General to make any *alterations* that he thought proper....This certainly is very different from desiring him to compose one. In case the letter has been preserved it will speak for itself. They were at that time residing at places distant from each other, and, consequently their communications on the subject were doubtless epistolary. I am induced to mention Mrs. Hamilton's account to the President's letter because it affords additional evidence to confirm the statement contained in my answer to yours about the draught of the address".^{xxxvii} Later that year, Jay, through Judge Peters, permitted Bushrod Washington to make a copy of his letter to Judge Peters of March 29, 1811. Judge Washington was a member of the Supreme Court, a nephew of

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George Washington and executor of Washington's Will and was bequeathed all of the president's papers. Judge Washington had become aware of the ever-growing controversy in several letters he had received from Mrs. Hamilton and no doubt was very interested in what Jay had to say. He copied an extract from Jay's letter pertaining to the factual account by Jay of his meeting with Hamilton and their discussion of revisions to the Address. He also noted that Judge Peters had stated that Jay asked Peters never to allow his letter to become public unless events made it necessary. It was only a year before in 1818 that Mrs. Hamilton had visited Judge Washington at Mount Vernon where she borrowed certain of Hamilton's letters to Washington for the purpose of making copies. Judge Washington then stated that he did not recall the subject of the Farewell Address ever being discussed during her visit but he was later "...informed on Phila, by a friend, the authorship of that address was attributed to Genl H. in whispers by certain persons in N. York & Phil - ."^{xxxviii} Mrs. Hamilton retained those papers until they were

returned by her son James in 1827 to Jared Sparks, a noted historian and President of Harvard University, who was working on his 12 volume work the *Life and Writings of George Washington*. This was not the first occasion on which Judge Washington loaned the president's papers to someone. In 1800, Bushrod Washington and Martha Washington desired to have a biography of George Washington written by John Marshall. Marshall knew Washington well and was privy to many of the events that would certainly be in the five-volume work he ultimately wrote and published between 1805 and 1807 - *Life of Washington*. Judge Washington loaned all of Washington's papers to Marshall for his project which Marshall ultimately returned to the Judge Washington.

Jay and Peters continued their correspondence and in November of 1820, Peters wrote to Jay of a new development in the authorship controversy. Peters had heard that Mrs. Hamilton had loaned Hamilton's papers to Joseph Hopkinson for the purpose of writing a biography of her late husband. Hopkinson was federal district judge and noted trial and constitutional lawyer, who argued several landmark constitutional cases before the Supreme Court including *Dartmouth College v. Woodward* and *McCullough v. Maryland*. Peters spoke to Hopkinson about attributing the Farewell Address to Hamilton and not having to put Peters in the position of refuting the allegation. It is apparent that Peters was determined to abide by Jay's desire for discretion in making certain facts public. Hopkinson replied that he would do nothing to detract from Washington's reputation and legacy. Peters then wrote to Jay and questioned Jay about an ambiguity in Jay's letter to Peters of 1811 concerning Jay's meeting with Hamilton to

review the Address. Peters was concerned about Hamilton's draft and how much of that draft was attributed to Washington's original work and was incorporated by Washington into the Farewell Address. Jay wrote to Peters and repeated the facts of his meeting with Hamilton to review Washington's draft of the Farewell Address and stated that he had nothing new to add to his letter to Peters of March 29, 1811. Jay did clarify some facts of the meeting "The attention both of Col Hamilton and myself was, in our Consultation on that Subject, confined to the Paper in which he had incorporated that address with his proposed corrections - We considered whether in this State it required any further amendments and nothing occurring to render the occurrences to the Draft itself, as sent by the President, necessary - it was not then read by either of us; nor by me at any Time.

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An Idea that this confidential Reference might perhaps be disclosed, did not enter into my mind; and not having the least apprehension of unpleasant Consequences, there was nothing to excite my attention to care or Precaution respecting them - Whether the President adopted all or only some of the proposed Corrections, or added others, are questions which my memory at this late Day Day (sic), does not enable me to answer - nor do I recollect having read the printed address, with an Eye to those circumstances -

“^{xxxix} It must be noted that this paragraph written by Jay about the Farewell Address was crossed out in pencil by Jay with a large “X”. The letter may have been a draft that Jay worked on and the paragraph crossed out was not in the final letter that Jay sent to Peters, but this is only conjecture. One thing is certain, Jay and Hamilton never spoke publicly about the drafting of the Address and neither claimed that anyone other than Washington was the author. Washington's desire for confidentiality was respected by

those involved in the drafting and reviewing of the address, even though Jay was beginning to recognize the extent of the controversy and its deleterious effects. Jay's concern for confidentiality was to be strained even further by new and unexpected developments. Jay remained constant that the Farewell Address was the work of Washington with his "Sentiments" and Hamilton's refining the style but not substance of the work. In a visit from Prof. John McVickar of Columbia University, whose sister, Augusta, had married John Jay's son, William, McVickar pressed Jay for his opinion about the authorship of the Farewell Address. "When, said McVickar, 'the slow-puffing pipe and the deaf ear turned were no longer an apology for not hearing, the answer came in a quiet smile: My opinion, my dear sir, you shall freely have. I have always thought

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General Washington competent to write his own addresses.'"^{xl}

By 1823, the debate continued and intensified with a polarizing effect when Jefferson and Madison, though they had both participated in the 1792 draft and despite their lack of involvement in the 1796 drafting, felt compelled to comment on the authorship of the Farewell Address, perhaps stemming from a strong political bias. Jefferson wrote "When at the end of this second term, his Valedictory came out, Mr. Madison recognized in it several passages of his draught, several others, we were both satisfied, were from the pen of Hamilton, and others from that of the President himself. These he probably put into the hands of Hamilton to form a whole, and hence it may appear in Hamilton's writing, as if it were all of his composition."^{xli} Madison's reply to Jefferson was also based upon a lack of facts pertaining to the drafting when he reached the following

conclusion “Your statement relating to the farewell Address of Genl Washington is substantially correct. If there be any circumstantial inaccuracy, it is in imputing to him more agency in composing the document than he probably had.”^{xlii}

The controversy entered the national arena when, in 1825, James A. Hamilton, on behalf of his mother, asked Rufus King for the package of letters King had custody of for almost twenty years. King refused to give up the papers. John Church Hamilton, the younger brother of James Hamilton approached Col. Nicholas Fish, the sole surviving executor of Hamilton’s will, to intercede on his mother’s behalf which Fish did but King remained steadfast in his determination to keep the letters. The end result was a suit in Chancery

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brought by Mrs. Hamilton to force King to give up the papers, even as King sailed to London to take up his post as Minister Plenipotentiary. The debate erupted on the editorial pages of some newspapers and alarmed Bushrod Washington so that he sought the advice of Chief Justice John Marshall. Marshall replied that “It is extremely fortunate that Mr. Jay was privy to the whole transaction and that he has lived long enough to explain it.”^{xliii} Marshall then went on to speculate that should Mrs. Hamilton succeed in obtaining the letters and they be made public, he had no doubt but that they would coincide with Jay’s account and Jay’s account would help to explain the correspondence. He then went on to reason “I am unwilling to believe the General Hamilton can have preserved these papers for the purpose to which his family now wish to apply them. Mrs. Hamilton and his son appear to be more to blame than I had supposed, since they must know that the address was written by General Washington and

revised by his friends.”^{xliv} It should be remembered that Marshall had access to all of Washington’s papers when he wrote his biography and the work contains nothing on the subject of the authorship of the Address being anything but the work of Washington.

Rufus King wrote to his son, Charles about the law suit and asked him to write to Bushrod Washington. Washington once again sought the advice of John Marshall and Marshall regretted the action taken by Mrs. Hamilton in Chancery and stated that the supporters of Pres. Washington should not oppose the publication of the letters pertaining to the Farewell Address “I firmly believe Mr. Jay’s statement to be correct”.^{xlv} In closing, he offered some advice to Judge Washington “One thing requires your attention. It is

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said that Mrs. H. has demanded these letters and that you have withheld them. It is material to let the fact be known that no such letters were retained by Genl. Washington. I can aver that I never saw them.”^{xlvi} Bushrod Washington was no doubt referring to Mrs.

Hamilton’s visit to Mount Vernon in 1817 when he loaned her some letters she had requested. Judge Washington advised Charles King of this and the statement from Chief Justice John Marshall about never having seen any letter about Hamilton being the author of the address “...I have never, at any time, met with any letter or copy of a letter amongst the papers of Genl Washington which could warrant the conclusion that Genl H wrote the farewell address - I am authorized by Chief Justice Marshall, who had possession of all the papers for some years, whilst writing the life of Washington, to aver

that he never met with any such letter”.^{xlvi}

The suit brought in Chancery thrust the debate into national prominence and caused the Historical Society of Pennsylvania to rise above the rumor and innuendo and take action. William Rawle, the first president of the Society, wrote to David Claypoole, the publisher of the Farewell Address, in December of 1825. He asked Claypoole if he would be willing to give Washington’s draft to the Society and if he would be willing to meet with Rawle and give him an account of his conversation with the president and the events leading to the publication of the address. On December 16th, Claypoole met with Rawle and related the details of his meeting with the president and the publication of the address. Later that day, Rawle made his report to the Historical Society. Rawle reported the “After relating these facts Mr. C. produced to me the original and I saw with

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reverence and delight a small quarto book containing about thirty pages all in the handwriting of this great man.”^{xlviii} Rawle further stated that he was very familiar with the handwritings of Washington and Hamilton and that the draft was not written by Hamilton but was written by Washington. Rawle’s report and the Certification of David C. Claypoole in which Claypoole related the facts of his involvement in the publication of the address and his statement that the draft of the address was in Washington’s handwriting, were later made part of the Memoirs of the Historical Society of Pennsylvania.

Then on February 6, 1826 the Society appointed an ad hoc committee to further investigate the authorship of the Farewell Address. The members of the committee were William Rawle, Charles Jared Ingersoll a former member of Congress and author, and Benjamin R. Morgan who was the current president of the Historical Society. On February 10, 1826 the committee sent letters to Judge Richard Peters, Judge Bushrod Washington, Chief Justice John Marshall and John Jay asking each for any information they had about the Valedictory Address. Bushrod Washington replied "...I beg leave to state that the papers bequeathed to me, so far as I have examined them, afford no ground whatever for attributing the composition of that paper to any other than the person whose signature it bears."^{xlix} Washington further stated that he had heard of the claim to authorship by another person but had no knowledge of the basis for such claim. John Marshall, in referring to the letters Bushrod Washington had loaned him for his biography of the president stated "I have seen nothing there to induce a suspicion that it

was written by any other than its avowed author."¹ Judge Peters replied that he would write to Jay immediately and inform him of the committee's request for any information about the valedictory vis a vis Jay's letters to Peters on the subject. "I cannot deliver his letters to any one without his permission."^{li} Peters then went on to say "It is a strange pursuit in Hamilton's family, thus to give trouble to everybody who regards the fame of either the General or Col H. himself. If he had written the Address, it is perfidy to betray the confidence reposed in him. But as he did not, it is wrong in his family to assert his having done it. In either case his descendants would gain no reputation; but our nation would suffer a serious injury by having the fascinating name of *Washington* taken from

the creed of every friend to his country.”^{lii} Jay succinctly replied to the committee’s request for information by stating “To this request propriety requires from me a candid and explicit answer.”^{liii} Jay related that he first learned of the controversy from Judge Peters in 1811 and in his letter of March 29, 1811 he related “certain remarks and facts connected with that *question*. I therefore take the liberty to refer you to Judge Peters who will readily communicate to you the contents of that letter. Permit me to add, that should any copies be taken, it is my desire that they may be copies of the *whole*, and not merely of *parts* of the letter.”^{liv} Jay had finally given his consent to the publication of his letter.

He offered no explanation for his change of mind but perhaps the integrity of the Historical Society of Pennsylvania and the members of the ad hoc committee persuaded him to agree to the publication of his letter. Peters did write to John Jay, and he spoke of the committee “...who are uneasy and indignant”^{lv} about the controversy. Peters, a staunch supporter of Washington and Jay, then unraveled the mystery of Hamilton’s draft

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that he brought to Jay’s home for their meeting in 1796 - “So that I am satisfied that Col H never sent on the copy of the address you mention, with the amendments engrafted in it: but may have sent the separate paper containing them , with the return of the original. If this fair copy be now found among his (Col H’s) papers or elsewhere it is the one which has roused the vanity of Mrs. H and family.”^{lvi} Judge Peters then went on to discuss a portion of a letter sent to him by William Rawle on February 13, 1826 in which Rawle discussed his meeting with David Claypoole and seeing the original draft in Washington’s hand and all the notations and came to the conclusion “...it would be

difficult - and if not impossible now to decide at any rate the discovery is enough to defeat the unjust, silly, and mischievous project of the H family.”^{lvii} Rawle then wrote to Peters “You have, I am told, a letter, certificate, or testimonial from Mr. Jay, explaining the whole transaction. It would be highly satisfactory to us to be permitted to see and if not improper, to make it known to the public.”^{lviii} Peters received many letters from Washington during the revolution that were written by the General’s staff but signed by Washington - and in replying to Rawle he wrote “...But these were all about *routine* business of the department. Whenever there was anything of special confidence, he wrote the whole.”^{lix}

For many years, Peters had respected Jay’s wishes and not made Jay’s letter public, but he had certainly let it be known throughout Philadelphia, that he had such a letter. On March 6, 1826, Jay replied to Peters that he had received the letter from the committee and he agreed to the publication of his letter in its entirety and left the details of the

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publication to Peters and the committee.

The committee made one last inquiry when they wrote to Col. Fish in April. Fish replied in May that he had nothing in his possession to indicate that the original draft was written by anyone other than Washington.

On October 5, 1826 the *New York American*, published Jay’s March 29, 1811 letter to Judge Richard Peters in its entirety. A statement from the paper followed the article:

NEW-YORK AMERICAN

THURSDAY EVENING, OCTOBER 5, 1826

The letter of Mr. Jay, which we publish this day, on the subject of Washington's Farewell Address, will be read with great interest. It is marked with the characteristic force and elegance of that gentleman's style, and in its facts and reasoning, is conclusive.^{lx}

This was high praise indeed from a Republican/Whig newspaper and further confirmation of the extent of Jay's reputation and credibility. The events surrounding the publication are unknown but the letter's publication had an immediate effect on the suit in Chancery.

When Rufus King returned from England in 1826, he was not well physically or mentally (he died April 29, 1827) and on October 17th, he had John Duer deliver the letters that he had held in custody for more than 20 years to James Hamilton. That same day, James

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Hamilton wrote to Duer that the suit in Chancery court had been discontinued. Jay's letter was undoubtedly published in other papers and James Hamilton and Duer agreed that the publication of John Jay's letter had "exonerated" King from his long-standing obligation as custodian of the Hamilton papers because Jay's letter proved that there was no longer any reason for the papers to be withheld from the Hamilton family.^{lxi} The letters were ultimately added to the Hamilton papers that Mrs. Hamilton sold to the government and are now in the Library of Congress.

The Pennsylvania Historical Society published its findings in 1826 and included among

other documents, its letters to John Jay, Chief Justice John Marshall, Judge Bushrod Washington, Judge Richard Peters and Col. Nicholas Fish and their responses; Claypoole's Certification; and John Jay's all important letter of March 29, 1811 to Richard Peters. The committee's Report was also published which stated that the answers they received from Jay, Marshall, Washington, Peters and Fish "...must remove all doubts on the subject. The facts stated in Mr. Jay's letter to Judge Peters well account for the *mistake* which has accompanied this question. The whole address appears to have been copied by General Hamilton, whose affectionate attachment to the President prevented him from thinking any trouble on his account too great, and this copy having, we know not how, returned to his possession, was probably the cause of the opinion that he was the original author."^{xii}

The publication of Jay's letter brought the controversy over the authorship of the

Farewell Address to a close. There were several papers later published on the subject but they had no real impact on the now closed debate. The papers of Washington and Hamilton were ultimately published by Jared Sparks in his multi-volume work *Writings of Washington* and by John Church Hamilton in *The History of the Republic*. The final chapter on this subject was the publication of Washington's original draft, with all its notations, by James Lenox in 1850. Mrs. Hamilton never wavered in her belief that her husband wrote the Farewell Address and remained implacable when she died in 1854 at the age of 97. In her Will she attested to her belief of Hamilton's authorship of the Address.

John Jay never faltered in his admiration and respect for Washington and never once doubted who wrote the Farewell Address. Judge Peters had used the existence of Jay's letter to him to defend Washington's position on numerous occasions in this strange controversy. It can be said, though, that it was John Jay's character, integrity and credibility, that were respected even by his detractors, that made his word, as stated in his historic letter to Judge Peters, above reproach and his letter a major factor in the final determination of the authorship controversy. Others may have formed opinions based on political beliefs and rumors and leapt to conclusions that were unsubstantiated by any facts. Jay remained circumspect, lawyerly and patient throughout and in the end, prevailed and was responsible for the emergence of the facts of this strange episode in American history. He remained, to George Washington and to his country, the indispensable Mr. Jay.^{lxiii}

ⁱ John Jay, No date, Columbia University, Butler Library, Rare Book and Manuscript Division.

ⁱⁱ John Jay to Robert R. Livingston and Gouverneur Morris, 29 April, 1777, New York Public Library.

ⁱⁱⁱ George Washington to John Jay, 15 May, 1788, Columbia University.

^{iv} James Madison to Thomas Jefferson, 27 May, 1791, Julian P. Boyd, ed., *The Papers of Thomas Jefferson*, 153.

^v George Washington to John Jay, 5 October, 1789, W.W. Abbott et al., eds., *The Papers of George Washington*, 95.

^{vi} "DUTY AND JUSTICE AT 'EVERY MAN'S DOOR': The Grand Jury Charges of Chief Justice John Jay, 1790-1794, John P. Kaminski and C. Jennifer Lawton. *Journal of Supreme Court History* 2006, Vol. 31, No.3, 235.

^{vii} John Jay to George Washington, 6 October, 1789, Columbia University.

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- viii Alexander Hamilton to George Washington, 14 April 1794, Harold C. Syrett, ed., *The Papers of Alexander Hamilton*.
- ix John Jay to George Washington, 29 June, 1795, Governor's Letterbook, v.II, BD13642, New York State Library, Manuscripts and Special Collections.
- x Victor H. Paltsits, ed., *Washington's Farewell Address* (New York Public Library, New York, 1935), 2-3.
- xi John Jay to George Washington, 18 April, 1796, Henry P. Johnson, ed., *The Correspondence and Public Papers of John Jay*, 207-208).
- xii George Washington to John Jay, 8 May, 1796, Johnson 211-212; *Papers of Alexander Hamilton*, vol.20, p.239, letter from George Washington, June 26, 1796.
- xiii George Washington to Alexander Hamilton, 15 May, 1796, Library of Congress, Hamilton Papers, Vol.28.
- xiv *Ibid.*
- xv George Washington to Alexander Hamilton, 26 June, 1796, Library of Congress, Hamilton Papers, Vol. 28
- xvi Alexander Hamilton to George Washington, 5 July, 1796, The New York Public Library.
- xvii John Jay to Richard Peters, 29 March, 1811, Columbia University.
- xviii George Washington to Alexander Hamilton, 25 August, 1796, Library of Congress, Hamilton Papers.
- xix George Washington to Alexander Hamilton, 1 September, 1796, Library of Congress, Hamilton Papers.
- xx John Jay to George Washington, 19 September, 1796, Library of Congress, Washington Papers, Vol. 280.
- xxi Certification of David C. Claypoole, February 22, 1826, *Memoirs of Historical Society of Pennsylvania*, Vol. I, 1826.
- xxii George Washington Papers, Library of Congress, vol. 281.
- xxiii John Jay to Rufus King, 21 October, 1796, New York Historical Society.
- xxiv Paltsits, 54.
- xxv Historical Society of Pennsylvania, vol. I (1826) p.239. An extract from the Peters letter of February 14, 1811.

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- xxvi John Jay to Richard Peters, 29 March, 1811, Columbia University.
- xxvii Ibid.
- xxviii Ibid.
- xxix Ibid.
- xxx Ibid.
- xxxi Ibid.
- xxxii Ibid.
- xxxiii Ibid.
- xxxiv *Alexdander Hamilton*, Ron Chernow New York; Penguin Group 2004), p.508.
- xxxv Richard Peters to John Jay, 11 April, 1811, Paltsits, p.272.
- xxxvi John Jay to Richard Peters, 23 April, 1811, Historical Society of Pennsylvania.
- xxxvii John Jay to Richard Peters, 25 January, 1819, The New York Public Library.
- xxxviii Bushrod Washingt to Charles King, 6 October, 1825, Paltsits
- xxxix John Jay to Richard Peters, 26 December, 1820, Columbia University

xl Professor John McVickar, in *N.Y. Review*, October, 1841; George Pellew, *John Jay* (Chelsea House Publishers, Broomall, PA, 1980) p.319-320, originally published Boston, Houghton Mifflin, 1898.

xli Paltsits, p.82 from *Writings of Jefferson*, ed. By H.A.Washington, vol . VII (1859), p. 292-293.

xlII Paltsits, p.82 from *Writings of Madison*, ed. By Gaillard Hunt, vol. IX, p. 137-139.

xlIII John Marshall to Bushrod Washington, 7 July, 1825, Paltsits, p.282.

xlIV Ibid, p.283

xlV John Marshall to Bushrod Washington, 3 October, 1825, Paltsits, p. 285.

xlVI Ibid.

xlVII Bushrod Washington to Charles King, 6 Ocotber, 1825, Paltsits, p.287.

xlviiii *Report of William Rawle on Conversation with David Claypoole*, December 16, 1825, Paltsits, p.288.

xliv Bush. Washington to Committee of Historical Society of Pennsylvania, 23 February, 1826, *Memoirs of the Historical Society of Pennsylvania*, Edward Armstrong, ed., (McCarty and Davis, Philadelphia, PA, 1826), Vol.1, P.244.

¹ J.Marshall to Historical Society of Pennsylvania, 22 February, 1826, *Memoirs of the Historical Society of Pennsylvania*, Vol.1, p. 245.

li Richard Peters to Historical Society of Pennsylvania, 19 February, 1826, *Memoirs of the Historical Society of Pennsylvania*, Vol.1, p. 247.

lii Ibid.

liiii John Jay to Committee of Historical Society of Pennsylvania, 21 February, 1826, Columbia University.

liv Ibid.

lv Richard Peters to John Jay, 21 February, 1826, Columbia University.

lvi Ibid.

lvii Ibid.

lviii Ibid.

lix Extract of a letter from Judge Richard Peters to William Rawle, 26 February, 1826, *Memoirs of the Historical Society of Pennsylvania*, Vol 1, P.261.

lx New-York American, 5, October, 1826.

lxi Paltsits, p. 88.

lxii Report of the Committee, *Memoirs of the Historical Society of Pennsylvania*, Vol.1 pp. 242-243.

lxiii John Jay lived at his farm in Bedford, NY until his death on May 17, 1829 at the age of 83. The farm remained in the Jay family for five generations and is now a New York State Historic Site and open to the public.

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