RUFUS KING AND THE HISTORY OF READING: THE USE OF PRINT IN THE EARLY AMERICAN REPUBLIC

by

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Abstract

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This dissertation examines the reading history, book collecting, and the use of print by the early American politician and diplomat Rufus King. Over the course of his life, King collected a vast library of books, pamphlets, and maps, and deployed print as a political weapon over his forty-year public career. He read widely in history, philosophy, and law, but did not read as an intellectual trying to answer abstract questions; he read purposively in a lawyerly fashion to solve problems or construct political arguments. King was a pragmatic reader who appropriated texts for specific political intentions. Evidence of this appropriation can be found in the marginalia in his personal library, commonplace notebooks, and scrap notes in his archive. It is the argument of this dissertation that the private act of reading was often the first step in the political process and had public consequences. As a well-read Enlightenment figure who was an efficient organizer of information, it is essential to understand the management of his reading in order to grasp his Federalist politics.

An analysis of King's reading history opens up new understandings of his politics and demonstrates he had an overarching political program designed to promote the legitimacy of the new American nation among the older nations of the world. This dissertation focuses on the step before the emergence of national identity, the struggle to be accepted as a nation by the rest of the world. Several episodes in King's political career confirm his desire to acquire and defend

national legitimacy, including his defense of the Jay Treaty (1795-1796), his diplomacy in Great Britain during the Napoleonic Wars (1796-1803), his promotion of free trade and reciprocity after the War of 1812, and his anti-slavery speeches during the Missouri Controversy (1819-1821). In all, private reading defined the way King viewed the world and played a prominent role in his public life. It allowed him to build his own identity and demonstrates a larger political project that previous work on King has not focused on.

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This dissertation would not exist without the support of family, friends, and colleagues. First I would like to thank the professors and students at the Graduate Center. My committee members were very helpful throughout the process and I am particularly grateful that David Jaffee and James N. Green were willing to participate as outsider readers. Martin Burke, my advisor, offered cogent advice and his editing made this a better project. The early Americanists in the Graduate Center's history department were very supportive and the student-organized Early American Republic Seminar (EARS) provided essential feedback and community as I wrote this dissertation. In particular, Joseph Murphy and John Blanton offered me advice on legal history and slavery that proved invaluable. Many other fellow students contributed to this project, including Paul Naish, Matt Cotter, Peter Aigner, and Susan Craig. Susan deserves special thanks for reading part of the dissertation manuscript.

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Two of my previous employers deserve recognition. The Gilder Lehrman Collection merits special thanks for employing me as a manuscript cataloger during the first half of my graduate studies. The job proved invaluable and the flexibility allowed me to study without concerns. My gratitude to the staff of King Manor Museum is immense. Mary Anne Mrozinksi, the executive director, hired me in 2002 and that opportunity sparked my interest in Rufus King. The staff has always been supportive, but the encouragement of Roy Fox, the museum's

caretaker, has been exceptional. Fox read the entire manuscript and his friendship has been extraordinary.

A number of friends provided transportation, lodging, and good cheer at various times. I would like to thank Jeremy Burnside, David Wallace, Steve Wallace, Dan Albany, Matthew Brown, Joanna Brown, Jeff Cumpson, Nanci Cumpson, Mike Boyle, and Alison Boyle. Special thanks goes to Steve Kremer for bringing my computer back to life when I thought it had died. I am grateful that Ron Szudy read the manuscript in full and offered his critiques. My friend Kris Fletcher translated much of the Latin in this dissertation and was always willing to converse with me about Rufus King's use of classical history and I am grateful for his generosity.

All the librarians and archivists who assisted me deserve thanks, but the staff at the New-York Historical Society, where the bulk of Rufus King's papers and library books are housed, went above and beyond the call of the duty. They literally pulled thousands of volumes for me, and always with efficiency and good humor. In particular I would like to thank Joseph Ditta, Eric Robinson, Mariam Touba, Greta Luback, Astrid Gonzalez, Ted O'Reilly, Tammy Kiter, and Maurita Baldock. A Patricia Klingenstein Research Fellowship also facilitated my work at the New-York Historical Society.

My family was always supportive of my efforts, no matter how esoteric they seemed. My mother, Beryl Gary, and my late father, Arthur Gary, provided freedom to dream and a house full of books to nurture those dreams. Frank and Barbara Annitto, my in-laws, have put up with this project for years and their good humor and generosity helped me finish it. But my wife, Jill Annitto, deserves more thanks than I can offer. Her love and patience are astounding, but it was really her impatience that pushed me to finish.

To Jill, with love.

Table of Contents

Abbreviations

***LCRK,* Vol. 1**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 1, 1755-1794 (New York: G.P. Putnam's Sons, 1894)
***LCRK,* Vol. 2**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 2, 1795-1799 (New York: G.P. Putnam's Sons, 1895)
***LCRK,* Vol. 3**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 3, 1799-1801 (New York: G.P. Putnam's Sons, 1896)
***LCRK,* Vol. 4**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 4, 1801-1806 (New York: G.P. Putnam's Sons, 1897)
***LCRK,* Vol. 5**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 5, 1807-1816 (New York: G.P. Putnam's Sons, 1898)
***LCRK,* Vol. 6**	*The Life, and Correspondence of Rufus King: Comprising His Letters, Private and Official, His Public Documents, and His Speeches,* ed. Charles R. King, Vol. 6, 1816-1827 (New York: G.P. Putnam's Sons, 1900)
N-YHS	New-York Historical Society, New York, New York
RK	Rufus King
RK copy of	When this is used it denotes that the copy being cited can be found in the inventory created at King's death in 1827. RK Papers, Vol. 74, New-York Historical Society. Specific bibliographic information could have been taken from the book itself or from another King Library inventory.

Introduction

This work will explore the intellectual biography of the Federalist politician Rufus King (1755-1827) through an examination of his reading. Always considered an important figure in early American history, King has not received much attention by recent historians. Originally from Massachusetts, where he attended college and read the law, King became a Congressional representative in 1784 and served as part of the Bay State's Constitutional delegation in 1787. Soon after signing the Constitution he moved to New York, the home of his wife Mary Alsop King. His friend and political partner Alexander Hamilton helped him attain a Senate seat in the new government in 1789, where he served until 1796. Afterward, King went to London as the American Minister Plenipotentiary until 1803. Upon his return to America, King bought a farm on Long Island and continued to take an interest in politics, but did not hold a public office again until reelected to the Senate in 1813. He served two full terms until 1825, and played a large part in the debates over the admission of Missouri in 1819-1821, when he made the most strident comments of his long anti-slavery career. He ended his public career in London as the American Minister Plenipotentiary from 1826-1826. He resigned due to poor health and died in Manhattan the next year.

Throughout his time in public service he spoke emphatically about the common good and republican virtue. The policies he promoted were part of his larger political project: the protection of the legitimacy of the young nation among the older nations of the world. Was King's political vision a progressive way forward for the nation? Just how important of a figure was he in the early republic? King is underestimated as a politician because he was in the shadow of Alexander Hamilton and George Washington, but he had a reputation for integrity, fairness, and intelligence that allowed him to make a political contribution long after the

Federalist Party lost power and influence. While he had a reputation for moral rectitude, it was King's ability to process and use information that gave him space to work as a politician and diplomat. This dissertation will trace that use of information through King's reading life, note taking, and use of printed materials.

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In an 1856 letter to John Alsop King, the oldest son of Rufus King and the soon-to-be inaugurated Republican Governor of New York, the abolitionist politician Charles Sumner wrote to pass along the opinion of a former slave that New York must improve voting rights for African Americans. At the end of the letter he congratulated King on his election and professed, "I cannot forbear expressing the hope that your brother's long-expected work on the life & career of Rufus King may soon be published. We must summon the testimony of literature & of history to our side."[1] Charles King, John's younger brother and the President of Columbia College, possessed his father's papers and had prepared a few short pieces in preparation for the biography that Sumner mentioned, but had never completed the task.[2] The comment reveals the importance of reading in a political movement. Sumner felt "the testimony of literature & of history" could alter hearts and minds and be a weapon in the political battles over slavery that were raging across the country in the late 1850s.

Printed materials and books played a correspondingly significant role in Rufus King's mind, and an examination of his book collecting and reading history will demonstrate the linkage between his reading and politics.[3] In one instance of the power of print, King recorded that a book almost impeded the British-French peace talks during the Napoleonic Wars in early 1801. With rumors of the fall of the ministry of William Pitt circulating, King argued to the anti-slavery parliamentarian William Wilberforce that peace might result from a change in the

government. Wilberforce agreed, but said there was the small problem of Edmund Burke's 1790 book, *Reflections on the Revolution in France*, a work that Wilberforce worried would keep the armies of Europe in motion four years after the death of its author. King recorded that "M^{r}. W[ilberforce] had before told me that he feared the King [George III] w^{d}. be obstinate – that M^{r}. Burke[']s Book in this view was injurious: It represented King William as firm and persevering when his Ministers and even the nation were apparently in Despair: this Model might mislead the present King, and indispose to Peace."[4] Throughout this dissertation many other instances of books and reading that influenced political decisions will be discussed, but this important example can begin to make the case here.

The field of the history of reading is, in general, an undeveloped area of study in American historiography. European historians, especially of the early modern era, and scholars of literature have dominated the field since its emergence in the 1980s.[5] It can be roughly divided into four main concerns: the degree of intensive reading of fewer texts or the extensive reading of many texts; the scale of utilitarian reading versus recreational reading; the magnitude and change over time of oral reading and silent reading; and the scope of social reading in public and private spheres.[6] Various scholars have examined these concerns through case studies of individual readers, surveys of society-wide or group reading, the use of statistical analysis, the examination of a particular publics or audiences, a study of particular types of evidence like marginalia, or an investigation of a particular category of book, genre, oeuvre.[7] The field seeks to not only define what individuals or groups read, but incisive work seeks to understand where, how, and why reading was done.

The field received much of its shape and definition from the work of four important scholars: David D. Hall, Robert Darnton, Roger Chartier, and Anthony Grafton.[8] Their work,

among others, has inspired a large literature that has been examined in several historiographic articles.[9] Despite the different time periods and case studies they have written about, one thing each scholar agrees with is the importance of reception, as demonstrated by the active appropriation of a text by a reader.[10] Acting as poachers, each reader uses a text for their own purposes, often finding meanings at odds with what the author intended and leading to new and unexpected interpretations and actions.[11] Looking at this use of print allows historians to see the expression of self-fashioning and the creation of personal habit.[12] While the reception of texts is often ephemeral, what can be discerned challenges old interpretations and gives new life to marginalized topics.

This dissertation advances the field of American reading history through the means of an individual case study of an important reader, the early American Federalist politician Rufus King, and his particular use of marginalia, commonplace, and scrap note evidence, with context provided by his large archive of correspondence, diaries, and published materials.[13] As is the case with the vast majority of the evidence of reading, most of the traces of the internal activity of King's reading have disappeared.[14] But some evidence did survive, and what this dissertation will focus on is King's use of books and pamphlets, and how he took the information in them and crafted his own identity and formed his political beliefs. By analyzing over fifty years of reading evidence, this dissertation will emphasize how reading shaped the larger patterns of his mentality or political imaginary, the unspoken system of beliefs and values King adhered to throughout his life, and how it allowed him to fill in the outlines of his life long political project: the protection of the legitimacy of the young nation among the older nations of the world.[15] While large patterns will be examined in this dissertation, there are some decisive examples of King's deeply contextualized political reading that altered specific events.[16] The combination of

this larger reading perspective and the precise use of books in particular situations will allow for a new view of Federalist politics in the early American republic.

This combination of early American political history and the history of reading allows for important new interpretations. Most of the case studies of reading history focus on Thomas Jefferson and John Adams, two momentous figures in the early republic who collected immense libraries.[17] What makes them so accessible to scholars is the cataloging work of librarians who have built up the metadata needed to navigate their collections.[18] In addition, large collected papers projects for Jefferson and Adams provide the necessary context for studies of their reading. Case studies of great American readers have suffered for lack of similar reference material. Entrée into the reading history of other early republic politicians and thinkers requires an immense amount of work, which scholars have not undertaken. But examinations of the Founders as a group of readers has potential implications for the political and legal history of the early republic and this dissertation seeks to start the process of adding case studies to better understand what Stanley Fish calls the "interpretative community" of the Founders.[19]
The story of the interpretative community King belonged to has the potential for wide historiographical resonance. The public sphere, as theorized first by Jürgen Habermas, and later adapted to North American circumstances by Michael Warner, as well as the concept of imagined communities posited by Benedict Anderson, have both played a massive role in recent work on the early American republic.[20] Relying on these theoretical forbearers, scholars of the New, New Political History school (also called the Newest Political History school), well represented by the edited volume *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, examine the cultural history of politics by studying how symbols and institutions created a sense of nationhood. They note that public print was an

important vehicle of national identity creation across the expansive republic after the Revolution. These scholars assume a nationwide reading of public print sources, but do not systematically study the actual reading practices of people in the past. This dissertation will take a different direction than the Newest Political Historians by examining empirical evidence of King's reading. It finds that King was not trying to form a nation through print, a process that certainly was occurring in the early republic, but was concerned with the legitimacy of America among the nations of the world. In this way, the case study of an individual reader demonstrates a global perspective that involves sympathy for others and imagines a wider world, countering arguments that such microhistorical case studies cannot be connected to compelling interpretations.

In order to understand national identity or nationalism, it is important to first apprehend how the nation came to exist and acquire the legitimacy to exist among other nations. Treatise writers considering the notion of sovereignty understood legitimacy as a desire to join the rest of the world and operate on a good faith basis as an equal nation among other nations. King fully supported this vision of sovereignty as something America must have. The way this support would be built was by respecting the laws of nature and nations, and in turn, requiring other nations to do the same toward America. To be part of the civilized community of nations was what early American statesmen, including King, were striving to achieve. It was impossible to worry about the identity of the American people until the rest of the world allowed the United States to exist.[21]

Since the project of legitimacy was ultimately a resounding success, the struggle for acknowledged acceptance into the world has not generated a large scholarly literature. Intellectual and legal historians like Eliga Gould, Daniel Hulsebosch, and David Armitage, have

begun the process of developing a historiography that explains the quest for legal and diplomatic legitimacy. They see this endeavor as an important strand of early American ideology, on par with republicanism and liberalism, and note that the members of the Revolutionary generation understood the consequences of failure.[22] It was a long-term battle for the honor of the nation and King, who was a major player in the struggle for legitimacy, realized it would take generations to solidify and secure. This project becomes apparent when King's book collecting and reading habits are examined. He bought and used print materials to become a statesman and to guide the nation through the trying times of its infancy.[23] These materials provided experience, wisdom, and guidance from law, philosophy, and history and offered a strategy to defend the nation.

Beyond these larger interventions in the historiography, this dissertation makes contributions to a variety of sub-fields. In the narrowest sense, book history and the history of reading allow us to look at King's biography in a new way. With the exception of work by graduate students, very little has been written about King since Robert Ernst's biography of 1968.[24] Primary sources by King are often mentioned in histories of the early republic, but his life and career have not been reexamined since the explosion of new works written after the turn toward cultural history. Several historians have reassessed the Federalists in general, especially through a cultural lens, and have written about the major figures in the party, but King and many other figures still await detailed analysis.[25]

Reading history allows us to expand our biographical vision of King into what the legal and book historian Michael H. Hoeflich calls "biobibliographical" study.[26] This combination of book history, reading history, and traditional biography can yield surprising results and allow for rich new interpretations, especially when used to examine a life like King's. A notoriously

cautious and measured politician, King rarely revealed intense emotions and most of his letters have a lawyerly tone. Gaining access to his personal thoughts is difficult. But in his marginalia, commonplace books, and scrap notes, which comprise the main evidence of this dissertation, his personal opinions, partisan beliefs, and self-constructed identity become more apparent.

By using reading history, it is also possible to catch a glimpse of his thoughts on some of the most important events in the early republic. One stark example is Francisco de Miranda's failed filibuster raid on Venezuela in 1806. While King was minister to Britain in 1799, he spoke to Miranda about possible American support of his revolutionary movement, but was always non-committal.[27] He took the same stance in 1806, when Miranda appeared in New York and outfitted a ship, the *Leander*, for the filibuster. As he distanced himself from Miranda, King's notes show he privately thought the enterprise might succeed. In a commonplace entry under the heading "South-America" King recorded "The Success of an Enterprize, <u>when a Nation detests its Rulers</u>, is not always to be estimated by the Force employed to ensure it."[28] King found this quote from Voltaire referenced in Henry Grey Bennett's 1805 pamphlet *Thoughts on the Protestant Ascendancy in Ireland*; it provides a window into King's thinking that is not apparent in his correspondence or in the court testimony he gave in the aftermath of the filibuster's failure.[29]

King was observing that stranger things had happened in history, as demonstrated by the "illustration of the revolt of Massaniello at Naples [1647]; the overthrow of the Austrian power at Genoa [1744]; the invasion of Scotland by Charles Edward [Stuart. Referring to 1745]; commenced in a small Sloop carrying 18 Guns: 7 Officers Scots & Irish: 1800 Swords, 1200 Muskets & 48,000 Livres – ab^{t}. 2000 s^{g} [sterling]."[30] King's cautiously optimistic assessment of Miranda's probability of success cannot be understood simply by examining letters and trial

transcripts. It is just one instance that justifies the use of commonplace books as a key component of biographical study.

Many more examples will reveal the intellectual and ideological belief systems at the core of King's identity and self-fashioning, ones consciously constructed through reading and purchases of printed materials.[31] By tracing King's construction of his identity it is possible to advance our biographical understanding of him, but his use of books will also elucidate a number of political themes in his life. These include the importance of the law of nature and nations, the civilizing role of diplomacy, the use of history to interpret contemporary politics, the need for a political economy based on free trade, and the pursuit of antislavery goals. This work will focus on these themes by using the methodology of reading history to provide a fuller awareness of King's life and its place in the early republic political scene.

Beyond King's specific biography, book history and the history of reading open up a new realm of general biography in American history. European historians and literary critics[32] have paved the way for this field, and several popular biographies[33] using reading history have appeared, but with a few exceptions they have not made a large impact on American biographical treatments.[34] Reading took up large parts of the day for many people in the early American republic, especially among the elite cohort that King circulated among throughout his life.[35] By ignoring the vast amount of time King spent reading throughout his life and the immense amounts of money and effort he spent in acquiring information, certain political themes lose resonance. The knowledge available to elites structured how they responded to problems, and tracing how someone like King used books and print expands the political history of the early republic.

This dissertation also provides new insights into the role of books in American politics. In general, political history has not integrated book history, despite its ability to add nuance to the study of political processes. This work argues that the political process often starts with a person reaching for a book or picking up a pamphlet and reading it for information. In many cases the next step involves writing marginalia, creating scrap notes, or heading commonplace book entries, which could be mined for both spoken and written political rhetoric. In many ways this dissertation is not just an examination of King's life through the lens of book history; it is also a history of note taking in the early republic.[36] Left over scraps and rough drafts can be mined for political content that has been overlooked by previous generations of historians. This work connects these seemingly unimportant scraps to larger aspects of political life.

Diplomatic and intellectual histories of this period can benefit from a study of King's reading. King's experience demonstrates that the most effective diplomacy requires public servants of discreet reserve and deep knowledge. John Randolph famously said, "a good library is a statesman's workshop," and King would have agreed.[37] His service in Britain during the French Revolutionary and Napoleonic Wars was essential to keeping the peace between America and the former mother country. Throughout his time in London he consistently impressed his counterparts in the British government with his learning and his ability to craft legal arguments using the law of nations. This dissertation will show that he also directed books and pamphlets toward other American politicians and diplomats to assist them in their decision-making processes. While previous historians acknowledge the role of information in the diplomatic process, this dissertation will highlight that role and demonstrate its centrality.

What Did King Read?

To understand King's contribution to the interpretative community of readers in the Founding era, it is essential to begin with *what* he read. A study of King's reading history is made easier because the bulk of his library has been preserved in one place, the New-York Historical Society in Manhattan. At the time of his death in 1827, King had a library of 3,715 volumes, in all formats, including one manuscript book, a sixteenth century Roman Catholic missal.[38] Roughly 200 of those volumes consisted of thousands of pamphlets bound together by topic and time period. The other 3,500 volumes consisted of roughly 2,200 titles across a wide variety of genres: travel, history, philosophy, law, diplomacy, politics, language, and reference. The books ranged in publication date from 1535-1826, with roughly 200 titles published before 1700. Most of the books were in English, French, and Latin, but King also had print materials in Greek, Hebrew, Spanish, Italian, and Anglo-Saxon. In addition, King had a 1685 edition of John Eliot's translation of the Bible into the Natick dialect of the Algonquin Indians of Massachusetts.[39]

While King never listed his favorite authors, some of his book purchases and notebooks can help us come to some understanding of the writers most important to him. King made great efforts to own complete sets of works by certain authors, in some cases gathering together various editions to do so. This was especially true with classical works and historical studies. King tried to own the complete sets of classical works from both the Greek and Roman eras in English, French, and Latin. He also had complete sets of the works of Edmund Burke, Jean Jacques Rousseau, William Shakespeare, Jonathan Swift, Samuel Johnson, and Edward Gibbon, among others.[40] In addition he had a complete set of *Bell's British Theatre*, and from scrap note references he seemed to have had an affinity for John Dryden.[41] From the frequency of citations

in his notes it is clear that King admired Cicero, Gibbon, Johnson, and Burke in particular.[42] While less frequently cited in his notes, it is obvious that King was deeply influenced by the works of Adam Smith and the essays and English history of David Hume.[43]

Despite the importance of these political economists, historians, philosophers, and classical thinkers in King's life, the largest subject in King's collection was travel literature. King had very few novels in his library, and he seems to have avoided the genre.[44] Instead, he used travel books for pleasure reading. These books could be used in a pragmatic way as they taught King about the history and culture of far off places, many of which were linked to America through globalized commerce. They often contained adventurous narratives along with maps that helped politicians and diplomats understand the world around them. They made King aware of distant places like South America and the Caribbean that he never traveled to, but needed to understand to craft American policy.

A large part of King's library involved the collection of Americana. Henry Stevens, the famous nineteenth century bibliographer, wrote to the Americana collector James Lenox, whose collection made up a large part of the original donation to the New York Public Library, to report on the King Library in 1848. At that point, Rufus's son John Alsop King owned the books, but Rufus had gathered most of the collection. Stevens told Lenox that he

> promised you some time since an account of the American department of the library of Mr. King, of Jamaica – Enclosed you will find a list of nearly all the books he possesses relating to America printed prior to the year 1700 … There are above one hundred printed before 1700, and as you will see, the greater part of them are in the English language – After yours & Mr. [John Carter] Browns collection Mr Kings is probably the best private collection in the country. The books are generally in excellent preservation – The two greatest gems in the collection I consider the Jacques Cartier & P. Pierre Biard 1616 – Of both of them I believe no other copies are known in this country – In books

> printed subsequently to the year 1700 Mr Kings library is very rich.[45]

Many of these books were purchased while he was in London, where King put out word that he was searching for rare Americana.

After returning from London in 1803, King sent Thomas Jefferson a manuscript history of Bacon's Rebellion, and told him, "[w]hile abroad I took some pains to collect the publications that have been made respecting the discovery and settlement of America."[46] In addition, Arthur Homer, who was compiling an Americana bibliography using King George III's immense library, told King in 1801 that he left a two-volume index of the royal library with the royal librarian. Homer hoped "they might assist you in the Collections I understood you were making of American Pamphlets. Another motive which I had also in submitting to your inspection was the hopes of receiving some Additions after you had compared them with your own Library."[47]

King had two major goals as he built this library of Americana: to advance his nation's interests through politics and diplomacy, and to strengthen an inchoate American national identity. Gathering together materials on the periphery of the Atlantic world at the center of the English-speaking world was a way to build legitimacy for a region that was still considered weak and without identity by many. King also used Americana he collected to defend his arguments during border negotiations.

Works of history were also an important part of King's library. They included both classical and modern history. English, British, French, and American history dominated the modern holdings in King's collection. The use of history as a source of experience and wisdom to find truth and make decisions was an important part of King's reading life. He looked back to the seventeenth and early eighteenth centuries as a touchstone. King told his friend, the Massachusetts Federalist Christopher Gore, that "[i]t is our Duty to seek those models with

which past time abounds, and to imitate their Conduct in retirement, rather than to engage in the desperate strife of factions."[48] King read back into history for answers to contemporary problems. He wanted to pilfer the pages of history for models that worked and did not work in order to make decisions accordingly.

The History of the Library

King's will specified the library would be divided equally among his five sons, but the oldest, John Alsop King, bought the shares of his brothers and kept the books together in his father's home.[49] When John died in 1867, his wife Mary Ray King inherited the books. Upon her death in 1873, the books went to her son Charles Ray King, a Philadelphia-area physician who later edited a six-volume edition of Rufus King's correspondence from 1894-1900. Charles Ray King moved the books to his home in Andalusia, Pennsylvania in 1874.[50] At Charles' death in 1901, his wife Nancy King acquired the books. Nancy and her niece, Mary Rhinelander King, each contributed $25,000 to a fund to pay the King family descendants who would inherit the books upon Nancy's death.[51] This fund allowed the books to stay together and be donated as a collection to the New-York Historical Society in 1906, where they currently reside. The historical society received 5,247 volumes as a result of that donation, representing the collections of Rufus, John, and Charles and a few miscellaneous volumes from other family members.[52] All three collected older books and in order to differentiate the ownership of the books it is necessary to look at four catalogs created at various points in the library's history. Most important is the list created at the time of King's death in 1827, which lists the 3,715 volumes.[53] Any book noted as Rufus King's in this dissertation was found on that list. Charles Ray King created another catalog when he brought the books to Pennsylvania in 1873 and this helps differentiate John Alsop King's and Charles Ray King's books from the Rufus King collection.[54] Around the time

of the 1906 gift to the New-York Historical Society, the librarian Robert H. Kelby travelled to Andalusia and cataloged the collection.[55] At some point after 1906 the historical society created a card catalog of the library, which lists every book and pamphlet in the collection. It consists of four long drawers of cards, and its importance is immense as it is the only full listing of every title in the King Library collection. The card catalog listing is also important because it lists the volume every pamphlet was bound in during Rufus' life.[56] This is pertinent because the New-York Historical Society removed the bindings from all the pamphlets and separated them for better access in the late 1960s.[57] The four catalogs together allow the historian to pinpoint books that belonged to Rufus King. They are especially important since roughly one-third of the 5,247-volume gift of 1906 is currently not listed in the electronic catalog of the Historical Society (although the process of updating those records is beginning).

King acquired roughly two-thirds of his library while serving in London as the American Minister to Great Britain from 1796-1803. When King asked to be recalled in 1803 he was denied the use of a government ship to carry his family and possessions back to America, forcing him to lease a vessel for the voyage. In the process of making the arrangements he told Nicholas Low, his agent in New York, "It is impossible for me to conjecture with any degree of accuracy the measurement of my baggage: it will consist of my Library of between two and three Thousand volumes, the furniture of [a] moderate sized House, a Coach and Charriot."[58] If we take the median of that estimate, King acquired about a volume a day during his seven-year mission abroad. Most of these books were bought in London, with large secondary purchases in Paris, and smaller purchases from bookstores in the Low Countries, Germany, Switzerland, and the provinces of France during a visit to the Continent in 1802.[59]

He discovered books through advertisements, reviews, and word of mouth, received gift books, and bought books at shops, auctions, and from friends. Of the last category, the books from the James Otis library that King purchased in 1782-1783, are most significant as well as the pamphlets from the collection of Thomas Pownall.[60] All of those books could have fit in King's library in Jamaica, Long Island, which contained over 5,100 inches of shelf space in five floor-to-ceiling custom-made shelves.[61] These shelves contained an ingenious system where each level of shelving used two slats of wood roughly an inch apart from each other. The lower slat was connected to the side of the shelf a few inches forward, while the higher slat connected a few inches back. This allowed for taller quartos and octavos to be placed on the high slat and smaller octavos and duodecimos on the lower shelf and still allow the spine label to be read. In addition, each floor-to-ceiling shelf contained two drawers at floor level to hold maps and possibly wooden letterboxes for King's personal papers.[62] King added locks to secure the doors to each shelving unit, and placed curtains over the glass windows to protect the books from dust and sunlight.[63]

Why and How Did King Read?

More important than what King read, is the need to understand *why* and *how* he read. By looking at reading history, it is possible to see that politics is more than party interests and voting counts. Studying reading demonstrates that culture and power have a relationship and that reading can be used "to awe, to move, [and] to amuse" and can alter the way events occur.[64] To discover the culture of politics through reading requires deep context and many examples. Most of the reading evidence of King is found in marginalia, substantial examples of which were found in roughly fifteen percent of the books examined for this study, seven commonplace books,

and two large archival boxes of scrap notes.[65] This batch of evidence shows King reading in a pragmatic, instrumental fashion to affect politics and diplomacy.

King was a man who read as a lawyer, which meant he read purposively to acquire knowledge for a specific end. Sometimes that reading was done to make a point in an argument and at other times it was done to store information to manage future problems. Most of this reading was done in a non-linear fashion that stressed dipping into certain books in a focused manner in order to deploy information at strategic times in his politics and diplomacy.[66] Robert DeMaria, in his reading biography of Samuel Johnson, described a four-tiered reading style of decreasing intensity: study, perusal, mere reading, and curious reading.[67] Almost all the reading evidence that survives for King is from the intensive study mode and shows he was re-reading many of the same books.

The reading of lawyers involves the search for authority that can always be discovered. The first step of lawyerly reading involves finding an established rule that matters to the situation and understanding the context of the problem. The established rule is then used to construct an argument or draft a document. A lawyer believed that these rules are readily discernable and often in a number of texts, which meant an efficient manner of accessibility was required, which is why King used commonplace notebooks so often. Intensive reading of many texts for specific problems is the main organizing principle of King's reading life.[68]

When preparing for an important speech, article, or pamphlet, King immersed himself in the topic to prepare. This concentrated and detailed reading helped him navigate important books quickly when he needed to use them again. This is especially true with his reading of legal treatises, philosophical books, and histories. For example, he was able to prepare his important anti-slavery speech of February 11, 1820 in a period of less than two weeks while he was away

from his library. He stored the general outlines of important works from key authors like Hugo Grotius, Samuel Pufendorf, Justinian, and Emerich de Vattel, among others, in his mind and could quickly consult those books and gather what he needed. In addition, King had books that were dipped into for very specific purposes like compilations of treaties and statistics, dictionaries, and books of legal statutes. And then there is the pleasure reading that King left little evidence of throughout his life. It is the serious and dedicated reader that survives in his marginalia and notes, not the recreational reader.

A critical eye and a penchant for re-reading complemented this studious form of reading. King claimed that his early influences and education fashioned his view of the world and played a formative role in his personal Federalist ideology, but he was not tied to that ideology when reading. For example, King read John Marshall's *Life of Washington* as it was published, but despite his sympathy with its Federalist proclivities, he later challenged Charles J. Ingersoll's positive characterization of the book. King, while he was reading Ingersoll's anonymously published book *Inchiquin, The Jesuit's Letters*, said, "I think less highly than the author of the letters does, of Marshall's history – with such copious and authentic materials, and with so noble a theme, the great and admired models of history should have been more carefully and patiently imitated." King said Marshall simply had important documents printed, and did not write with a literary flair while giving too much credit to Virginia and Aaron Burr in the Revolutionary War. King went on to explain that "[w]hen I read the letters a second time, I will note what has appeared to me to be blemishes in the style."[69] Such close and repeated readings helped King master texts, formulate arguments, and advance his politics.

Certain other styles of reading were prevalent in King's life. Like most well-educated members of the elite of the Revolutionary generation, King viewed the world through an

Enlightenment lens that stressed empiricism and past experience. His common law background reinforced this view of the world. By using common law reasoning, King tried to avoid generalities or theoretical abstractions in favor of narrow discussions of concrete problems. If he could not manage those problems in a narrow way, he could move to the realm of abstraction if needed, which is what he did during the Missouri Controversy debates. At first, King tried to use a Constitutional argument to stop the spread of slavery into the Missouri Territory, but moved to the abstraction represented by natural law when his Constitutional arguments did not prove to be enough. This led to a lawyerly style of reading that was both instrumental, and pragmatic. King was intellectual, but it must be remembered he was not a philosopher who mastered every nuance of complex metaphysical, ethical, and moral issues. He took aspects of various thinkers, combined them in new ways, and deployed them in the political realm.

This instrumental style of reading can be divided further into two additional types: a tactical way of reading and a strategic fashion. For King, tactical reading involved wide forays into a number of sources in order to collect material for debate with an adversary, be it a political foe in America or his diplomatic counterparts in Britain. Strategic reading allowed him to consider the long-term interests and overall aims of the American nation in troubling times. King's lawyerly style of reading gave him rhetorical weapons and an abundance of information he could insert into printed sources at politically sensitive moments.

A Summary of the Chapters

To begin, Chapter One will take an overview of King's personal belief system and examine how reading played a role in the formation of his political imaginary. King stated he came to his convictions at a young age, and the chapter will explore King's grammar school, college, and legal education in order to understand how he became a Federalist. It will then

explore King as a mature politician in the early republic and explain how he constructed his own identity. King equated the nation with the individuals inside of it and the chapter investigates King's individual self to understand how he imagined the nation should be fashioned.

Chapter Two looks at how and why King read the law of nations from the 1790s to the end of the War of 1812. The law of nations provided the rules that any legitimate nation had to follow in order to be accepted into the community of treaty-worthy states. King's constant reading of these seventeenth and eighteenth century European jurists shows he understood the importance of these universal rules in the life of new republic. Beginning with the Gênet Affair and then the Jay Treaty, arguments over impressment, and the burning of Washington, D.C. in August 1814, King read the law of nations to win both domestic political argument and announce America's moral standing to the world.

Chapter Three scrutinizes King's reading as he attempted to understand the vast changes wrought by the French Revolutionary and Napoleonic Wars. He did this through two styles of reading, a strategic manner that allowed him to think about the world as a statesman and a tactical method that provided him to find specific information to counter political and diplomatic conflicts he encountered on a daily basis. The French Revolution was so new and so vast that King turned to Edward Gibbon's *The Decline and Fall of the Roman Empire*, as well as a few other texts, in an attempt to control his anxiety. In addition, he read tactically to find information to defend American interests abroad. Most importantly he read a text by Alberto Azuni, a Sardinian jurist who systemized maritime law. King used it to defend American neutral rights in the face of British transgressions.

Chapter Four analyzes King's reading of free trade texts. The promotion of free trade, and the naval forces needed to protect it, required just as much deep reading as the negotiations

of diplomacy. Borrowing ideas from his reading of David Hume and Adam Smith and other free trade advocates of the late eighteenth and early nineteenth centuries, King aspired to build interconnecting networks of trade that would reinforce peace around the world and give America its most needed commodity: time to grow in internal strength and power in order to withstand outside challenges and deflect threats of war from the empires that bordered America. Both Federalists and Republicans promoted free trade in the early republic, but Republicans understood free trade as an offensive weapon that could be used to challenge Britain. Federalists like King understood free trade as defensive; especially since it was the source of the tax dollars that would feed the state and provide a training ground for sailors in the merchant marine who could join the naval forces. King envisioned preserving trade on the high seas in case of national emergency. By examining King's reading habits after the War of 1812, it is possible to reconstruct his own unique political economy, which focused on navigation and commerce over agriculture, manufacturing, or settlement of the West. With the increased trade, wealth, and military might that would emerge from his political economy, King argued America's legitimacy would be better secured.

Chapter Five focuses on King's reading of legal and historical sources to challenge slavery during the Missouri Controversy. King understood slavery as a state of war inside the republic and the violence it promoted eroded the safety and legitimacy of the nation. King believed the Constitution contained slavery, by denying it access to territories beyond the nation's original 1783 borders. This pact was built into the Constitution as a type of treaty, with the two parties being the North and the South. The treaty secured the Union, allowed slavery to exist in local positive law, and denied it access to regions beyond the boundaries of 1783. This would contain slavery and over a long period of time, the institution would run out of space to

grow and would eventually wither away. When Missouri sought admission to the Union as a slave state, it upset the treaty built into the Constitution and King saw it as a grave threat to not only the North, but to freedom in general. To combat this threat, King read law of nature and law of nations sources in the hopes of preserving the treaty.

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[1] Charles Sumner to John Alsop King, 14 December 1856, MS 2804, Boston Public Library.

[2] For background on essays by Charles King see *LCRK*, Vol. 1, v-vi. Essays by Charles King are at *LCRK*, Vol. 1, 120-126 and 268-292.

[3] For general overviews of the history of reading see Steven Roger Fischer, *A History of Reading* (London: Reaktion, 2005); Guglielmo Cavallo and Roger Chartier, eds., *A History of Reading in the West*, trans. Lydia G. Cochrane (Amherst: University of Massachusetts Press, 1999); Alberto Manguel, *A History of Reading* (New York: Penguin, 1997).

[4] Rufus King Memoranda and Reflections about Contemporary People and Events, 1796-1802, RK Papers, Vol. 73, N-YHS.

[5] The body of literature on reading history by European historians and literary scholars is immense. Some important works include: Katie Halsey, *Jane Austen and her Readers, 1786-1945* (London: Anthem Press, 2012); William H. Sherman, *Used Books: Marking Readers in Renaissance England* (Philadelphia: University of Pennsylvania Press, 2008); Ruth Clayton Windscheffel, *Reading Gladstone* (Basingstoke: Palgrave Macmillan, 2008); Elspeth Jajdelska, "Pepys in the History of Reading," *The Historical Journal* 50 (September 2007): 549-567; Heidi Brayman Hackel, *Reading Material in Early Modern England: Print, Gender, and Literacy* (New York: Cambridge University Press, 2005); Kevin M. Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern Europe* (New Haven: Yale University Press, 2000); William H. Sherman, *John Dee: The Politics of Reading and Writing in the English Renaissance* (Amherst: University of Massachusetts, 1995); Lisa Jardine and William Sherman, "Pragmatic Readers: Knowledge Transactions and Scholarly Services in Late Elizabethean England," in *Religion, Culture and Society in Early Modern Britain: Essays in Honour of Patrick Collinson*, eds. Anthony Fletcher and Peter Roberts (Cambridge: Cambridge University Press, 1994), 102-124; Roger Chartier and J.A. González, "Laborers and Voyagers: From the Text to the Reader," *Diacritics* 22 (Summer 1992): 49-61; John Powell, "Small Marks and Instrumental Responses: A Study in the Uses of Gladstone's Marginalia," *Nineteenth Century Prose* 19 (1992): 1-17; Robert Sattelmeyer, *Thoreau's Reading: A Study in Intellectual History with Bibliographic Catalog* (Princeton, NJ: Princeton University Press, 1988); John Livingston Lowes, *The Road to Xanadu: A Study in the Ways of Imagination* (New York: Houghton Mifflin, 1927).

[6] Cavallo and Chartier organized their edited volume around these problems at *A History of Reading in the West*. Also see a description of the problems of the field at Jajdelska, "Pepys in the History of Reading," 549-551. The field as a whole is starting to mature and examples of the best work in reading history have recently been anthologized. See W.R. Owens and Towheed Shafquat, eds., *The History of Reading, Volume 1: International Perspectives, c. 1500-1990* (Basingstoke: Palgrave Macmillian, 2011); Katie Halsey and W.R. Owens, eds. *The History of Reading, Volume 2: Evidence from the British Isles, c. 1750-1950* (Basingstoke: Palgrave Macmillian, 2011); Rosalind Crone and Towheed Shafquat, eds., *The History of Reading, Volume 3: Methods, Strategies, Tactics*. (Basingstoke: Palgrave Macmillian, 2011); Towheed Shafquat, Rosalind Crone, and Katie Halsey, eds., *The History of Reading* (London: Routledge, 2010); Gabriel Watling, ed., *Cultural History of Reading*, *Volume 1, World Literature* (Westport, CT: Greenwood Press, 2009); Sara E. Quay, ed., *Cultural History of Reading, Volume 2, American Literature* (Westport, CT: Greenwood Press, 2009).

[7] The list of books and articles that could be listed here is immense. Representative examples, with an emphasis on early America, follow. For an overview of colonial and early republic book history see the articles in Hugh Amory and David D. Hall, eds., *A Book History of the Book in America, Volume I, The Colonial Book in the Atlantic World* (Chapel Hill: Published in Association with the American Antiquarian Society by the University of North Carolina Press, 2007); Robert A. Gross and Mary Kelley, eds., *A History of the Book in America, Volume 2, An Extensive Republic: Print, Culture, and Society in the New Nation, 1790-1840* (Chapel Hill: Published in Association with the American Antiquarian Society by the University of North Carolina Press, 2010). Case studies of individual readers include Mary Kelley, "'While Pen, Ink, and Paper Can Be Had': Reading and Writing in a Time of Revolution,"

Early American Studies 10 (Fall 2012): 439-466; Allan F. Westphall, "'Laboring in my Books': A Religious Reader in Nineteenth Century New Hampshire," *Library* 13 (2012): 185-204; Michael J. Paulus, Jr., "Archibald Alexander and the Use of Books: Theological Education and Print Culture in the Early Republic," *Journal of the Early Republic* 31 (Winter 2011): 639-670. Society-wide or group-based studies can be found in Mary Kelley, "'Pen and Ink Communion': Evangelical Reading and Writing in Antebellum America," *New England Quarterly* 84 (December 2011): 555-587; Cathy N. Davidson, ed., *Reading in America: Literature and Social History* (Baltimore: The Johns Hopkins University Press, 1989); William J. Gilmore, *Reading Becomes a Necessity of Life: Material and Cultural Life in Rural New England, 1780-1835* (Knoxville: The University of Tennessee Press, 1989). An important statistical study is William St. Clair, *The Reading Nation in Romantic Period* (New York: Cambridge University Press, 2004). Particular audiences are examined in some of the articles in Barbara Ryan and Amy M. Thomas, eds., *Reading Acts: U.S. Readers' Interactions with Literature, 1800-1950* (Knoxville: The University of Tennessee Press, 2002). On the study of a particular type of evidence see H.J. Jackson, *Romantic Readers: The Evidence of Marginalia* (New Haven, CT: Yale University Press, 2005); H.J. Jackson, *Marginalia: Readers Writing in Books* (New Haven, CT: Yale University Press, 2001). Examples of genre-based reading history include Jonathan Sassi, "Africans in the Quaker Image: Anthony Benezet, African Travel Narratives, and Revolutionary-Era Antislavery," *Journal of Early Modern History* 10 (May 2006): 95-130; David Paul Nord, *Faith in Reading*: *Religious Publishing and the Birth of Mass Media in America* (New York: Oxford University Press, 2004).

[8] David D. Hall, *Cultures of Print: Essays in the History of the Book* (Amherst: University of Massachusetts Press, 1996); Robert Darnton, "First Steps Towards a History of Reading," *Australian Journal of French Studies* 23 (January 1986): 5-30; Darnton, "Rousseau and his Readers: The Fabrication of Romantic Sensitivity," in *The Great Cat Massacre and Other Episodes in French Cultural History* (New York: Vintage Books, 1985), 215-256; Darnton "What is the History of Books?" *Daedalus* 111 (Summer 1982): 65-83; Roger Chartier, *The Order of Books: Readers, Authors, and Libraries in Europe between the Fourteenth and Eighteenth* Centuries, trans. Lydia G. Cochrane (Stanford, CA: Stanford University Press, 1994), 1-23; Chartier, "Texts, Printing, Readings," in *The New Cultural History*, ed. Lynn Hunt (Berkeley: University of California Press, 1989), 154-175; Anthony Grafton, "How Guillaume Budé Read his Homer," in *Commerce with the Classics: Ancient Books and Renaissance Readers* (Ann Arbor: University of Michigan Press, 1997), 135-183; Lisa Jardine and Anthony Grafton, "'Studied for Action': How Gabriel Harvey Read His Livy," *Past & Present* 129 (November 1990): 30-78.

[9] Leah Price, "Reading: The State of the Discipline," *Book History* 7 (2004): 303-320; Jonathan Rose, "Arriving at a History of Reading," *Historically Speaking* 5 (January 2004): 36-39.

[10] Darnton, *The Case for Books: Past, Present, and Future* (New York: PublicAffairs, 2009), 149-173; Sherman, *Used Books,* xvi, xx, 8-10, 90, 126; D.F. McKenzie, *Bibliography and the Sociology of Texts* (New York: Cambridge University Press, 1999), 18-19, 23, 33, 37, 60-62, 67; Adrian Johns, *The Nature of the Book: Print and Knowledge in the* Making (Chicago: The University of Chicago Press, 1998), 1-57; Sherman, *John Dee,* 59, 65-67 and 123-124.

[11] Michel de Certeau, *The Practice of Everyday Life* (1984; repr., Berkeley: University of California Press, 2011), 165-176.

[12] Stephen Colclough, *Consuming Texts: Readers and Reading Communities, 1695-1870* (Basingstoke: Palgrave MacMillian, 2007), 1-30; Jonathan Rose, *The Intellectual Life of the British Working Classes* (New Haven, CT: Yale University Press, 2001); Sharpe, *Reading Revolutions*, 94, 338-340.

[13] Commonplace Notebooks, RK Papers, Vols. 75-77, 79, 101-102, N-YHS. There is a combination commonplace book and newspaper scrapbook at RK Papers, Vol. 104, N-YHS. While there is often scrap note material found in a miscellaneous folder at the front of each box of RK correspondence, major concentrations of scrap notes can be found at RK Papers, Box 27 and 81, N-YHS.

[14] Nicholas Carr, *The Shallows: What the Internet is Doing to Our Brains* (New York: W.W. Norton, 2010); Stanislas Dehaene, *Reading in the Brain: The New Science of How We Read* (New York: Penguin, 2010); Maryanne Wolf, *Proust and the Squid: The Story of Science and the Reading Brain* (New York: Harper, 2007).

[15] See Chapter 1 of this dissertation.

[16] William H. Sherman has noted the need to "cast our net widely" when dealing with reading evidence. Sherman, *Used Books,* xvi.

[17] Robert C. Baron and Conrad Edick Wright, eds., *The Libraries, Leadership, and Legacy of John Adams and Thomas Jefferson* (Golden, CO: Fulcrum Publishing, 2010); Kevin J. Hayes, *The Road To Monticello: The Life and Mind of Thomas Jefferson* (New York: Oxford University Press, 2008); Daniel I. O'Neill, "John Adams versus Mary Wollstonecraft on the French Revolution and Democracy," *Journal of the History of Ideas* 68 (July 2007): 451-476; Zoltán Haraszti, *John Adams and the Prophets of Progress* (Cambridge, MA: Harvard University Press, 1952).

[18] E. Millicent Sowerby, compiler, *Catalogue of the Library of Thomas Jefferson,* 5 vols. (Washington, DC: Library of Congress, 1952-59). Also see Jefferson catalog material at "Thomas Jefferson's Libraries," accessed 10 September 2012, http://tjlibraries.monticello.org/; "The Library of John Adams Library at the Boston Public Library," accessed 10 September 2012, http://www.johnadamslibrary.org/.

[19] Nicholas Fish, *Is There a Text in this Class? The Authority of Interpretative Communities* (Cambridge, MA: Harvard University Press, 1980).

[20] Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (Cambridge, MA: MIT Press, 1989); Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, MA: Harvard University Press, 1992); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1991).

[21] Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, MA: Harvard University Press, 2012); Robert J. Reinstein, "Executive Power and the Law of Nations in the Washington Administration," *University of Richmond Law Review* 46 (January 2012): 375-456; Daniel J. Hulsebosch and David M. Golove, "A Civilized Nation: The Early American Constitution, the Law of Nations, and the Pursuit of International Recognition," *New York University Law Review* 85 (2010): 932-1066; Philipp Ziesche, *Cosmopolitan Patriots: Americans in Paris in the Age of Revolution* (Charlottesville: University of Virginia Press, 2010); Leonard J. Sodosky, *Revolutionary Negotiations: Indians, Empires, and Diplomats in the Founding of* America (Charlottesville: University of Virginia Press, 2009); David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2007); Nicolas Onuf and Peter Onuf, *Nations, Markets, and War: Modern History and the American Civil War* (Charlottesville and London: University of Virginia Press, 2006); Eliga H. Gould and Peter S. Onuf, eds., *Empire and Nation: The American Revolution in the Atlantic* World (Baltimore: Johns Hopkins University Press, 2005); David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University Press of Kansas, 2003); James E. Lewis, Jr., *The American Union and the Problem of Neighborhood: The United States and the Collapse of the Spanish Empire, 1783-1829* (Chapel Hill: The University of North Carolina Press, 1998); Daniel H. Deudney, "The Philadelphian System: Sovereignty, Arms Control, and Balance of Power in the American States-Union, Circa 1787-1861," *International Organization* 49 (Spring 1995): 191-228; Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions*, *1776-1814* (Madison, WI: Madison House, 1993); Peter Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (Philadelphia: University of Pennsylvania Press, 1983).

[22] Gould, *Among the Powers of the Earth*, 11.

[23] Charles Hill, *Grand Strategies: Literature, Statecraft, and World Order* (New Haven, CT: Yale University Press, 2010).

[24] Robert Ernst, "The Aftermath*:* Rufus King*,* Violence, and the Reputation of the New Republic," *Journal of Long Island History* 10 (1973): 14-28; Myron F. Wehtje, "Rufus King and the Formation of the Constitution*," Studies in History & Society* 1 (1969): 17-31; Saint Stainislaus Clifford, "Rufus King and Slavery" (master's thesis, Catholic University of America, 1968); Cecil Baker Egerton, "Rufus King and the Missouri Question: A Study in Political Mythology" (PhD diss., Claremont Graduate School and University Center, 1968); Ernst, *Rufus King: American Federalist* (Chapel Hill: University Press of North Carolina, 1968); John J. Germann, "Rufus King: Federalist Senator, 1789-1796" (master's thesis, University of Houston, 1967); William Louis Ewbank, "Rufus King and the War of 1812" (master's thesis, University of Washington, 1966); Joseph L. Arbena, "Politics or Principle? Rufus King and the Opposition to Slavery, 1785-1825," *Essex Institute Historical Collections* 10 (1965): 56-77; Ernst, "Rufus King, Slavery, and the Missouri Crisis," *New-York Historical Society Quarterly* 46 (October 1962): 357-382; Sidney Roderick Bland, "The Diplomatic Career of Rufus King, 1796-1803" (master's thesis, University of Maryland, 1961); Aloha Broadwater, "Rufus King and American Foreign Policy: Minister to England in the Administration of George Washington, John Adams, and Thomas Jefferson, 1796-1803" (master's thesis, Kent State University, 1961); James Gore King V, "Rufus King, Young Statesman of Massachusetts," 3 vols. (PhD diss., Harvard University, 1960); James Russell Jensen, "Some Political Ideas of Rufus King: Federalist Politician" (master's thesis, University of Iowa, 1953); Robert E. Reeser, "Rufus King and the Federalist Party" (PhD diss., University of California, Los Angeles, 1948); Edward Wornow, "Rufus King and the Politics of the Missouri Compromise" (master's thesis, Columbia University, 1932); Edward Hale Brush, *Rufus King and His Times* (New York: N.L. Brown, 1926).

[25] Rachel Hope Cleves, "' Hurtful to the State': The Political Morality of Federalist Antislavery," in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason (Charlottesville: University of Virginia Press, 2011), 207-226; Matthew Mason, "Federalists,

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[26] Michael H. Hoeflich, *Roman and Civil Law and the Development of Anglo-American Jurisprudence in the Nineteenth Century* (Athens: The University of Georgia Press, 1997), 2.

[27] Ernst, *Rufus King*, 265-266.

[28] Commonplace Notebook, ca. 1799-1803, RK Papers, Vol. 102, N-YHS (hereafter cited as Vol. 102). The underlining is RK's.

[29] Henry Grey Bennett, *Thoughts on the Protestant Ascendancy in Ireland* (London: Printed for J. Harding, 1805), 10. RK did not own a copy of this pamphlet.

[30] Vol. 102.

[31] Jackson, *Marginalia*, 149, 180.

[32] See note 6 above. Also see Robert DeMaria, Jr., *Samuel Johnson and the Life of Reading* (Baltimore: Johns Hopkins University Press, 1997); Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth Century Miller* (Baltimore: Johns Hopkins University Press, 1992).

[33] Sonu Shamdasani, *C.G. Yung: A Biography in Books* (New York: W.W. Norton, 2012); Greg Lawrence, *Jackie as Editor: The Literary Life of Jacqueline Kennedy Onassis* (New York: Thomas Dunne, 2011); William Kuhn, *Reading Jackie: Her Autobiography in Books* (New York: Nan. A. Talese, 2010); Thomas Wright, *Built of Books: How Reading Defined the Life of Oscar Wilde* (New York: Henry Holt, 2009); Timothy W. Ryback, *Hitler's Private Library: The Books that Shaped His Life* (New York: Knopf, 2008).

[34] See note 7 and 16 above for some exceptions. Also see Daniel Hulsebosch, "An Empire of Law: James Kent and the Revolution in Books in the Early Republic," *Alabama Law Review* 60 (2009): 377-424.

[35] Library histories and biographies often touch on aspects of reading history without going into detail. Some of these works include Catherine M. Parisian, ed., *The First White House Library: A History and Annotated Catalog* (State College: Pennsylvania State University Press for the Bibliographic Society of America and the National First Ladies' Library, 2010); Maurice Jackson, *Let This Voice Be Heard: Anthony Benezet, Father of Atlantic* Abolitionism (Philadelphia: University of Pennsylvania Press, 2009), xi-xii, 1, 57-61, 78-83, 144-145; Kevin J. Hayes, *The Mind of A Patriot: Patrick Henry and the World of* Ideas (Charlottesville: University of Virginia Press 2008); Fred Kaplan, *Lincoln: The Biography of a Writer* (New York: HarperCollins, 2008), 3-43, 54; James N. Green and Peter Stallybrass, *Benjamin Franklin: Writer and Printer* (Philadelphia: Library Company of Philadelphia, 2006), 4, 148; Michael H. Hoeflich, *The 1846 Auction Catalog of Joseph Story's Library* (Austin: Jamail Center for Legal Research at the University of Texas, Austin, 2004), 3-11; Douglas Anderson, *William Bradford's Books:* Of Plimouth Plantation *and the Printed Word* (Baltimore: Johns Hopkins University Press, 2003); Kevin J. Hayes, *the Library of William Byrd of Westover* (Madison, WI: Madison House, 1997); Marie Elana Korey, *The Books of Isaac Norris (1701-1766) at Dickinson College* (Carlisle, PA: A Bicentennial Project of Dickinson College, 1976), 1-14. For works that could have benefited by incorporating reading history methodology, see François Furstenberg, "Atlantic Slavery, Atlantic Freedom: George Washington, Slavery, and Transatlantic Abolition Networks, *William and Mary Quarterly*, 68 (April 2011): 247-286; James T. Kloppenberg, *Reading Obama: Dreams, Hope, and the American Political Tradition* (Princeton, NJ: Princeton University Press, 2010).

[36] Ann M. Blair, *Too Much to Know: Managing Scholarly Information before the Modern Age* (New Haven, CT: Yale University Press, 2010). No comparable study on America exists.

[37] William Dawson Johnston, *History of the Library of Congress, Volume 1 1800-1864* (Washington, DC: Government Printing Office, 1904), 26.
[38] RK owned a "Roman Missale Mss." See Inventory of RK Library, 1827, RK Papers, Vol. 74, N-YHS (hereafter cited as Vol. 74). This was a "Missale Romanurm Illuminated in gold and colors," produced "circa 1560," in *Catalog of the King Library*, ca. 1906, 8 vols., N-YHS Archive, N-YHS (hereafter cited as *Catalog of the King Library*, ca. 1906). A microfilm copy was consulted at the King Manor Museum, Jamaica, New York. This catalog is not in N-YHS's electronic catalog. The missal could not be found at N-YHS.
[39] RK copy of *Mamusse wunneetupanatamwe Up-Biblum God naneeswe Nukkone Testament kah wonk Wusku Testament / Ne quoshkinnumuk nashpe wuttinneumoh Christ noh asoowesit,* trans. John Eliot (Cambridge, MA: Samuel Green, 1685).
[40] Complete works of various authors can be found at Vol. 74, including references to a 69-volume duodecimo set of "Latin Classics (Barbou)." RK copies of Demosthenes and Aeschines, *Oeuvres completes de Démosthéne et d'Eschine traduites en français*, 5 vols. (Angers: de l'imprimerie de mame, père et fils, 1804); Publius Cornelius Tacitus, *The Works of Cornelius Tacitus*, ed. Arthur Murphy, 4 vols. (Dublin: Luke White, 1794); Marcus Tullius Cicero, *Oeuvres*, 24 vols. (Paris, 1783-1794); Edmund Burke, *The Works of the Right Honourable Edmund Burke,* 8 vols. (London: Printed for F. and C. Rivington, 1801); Jean-Jacques Rousseau, *Collection complete des œuvres de J.J. Rousseau, citoyen de Geneve*, 24 vols. (Geneva: [Société typographique], 1782-1789); William Shakespeare, *The Works of Shakespeare*, 7 vols. (London, 1797); Jonathan Swift, *The Works of Dr. Jonathan Swift*, 25 vols. (London: Printed for W. Johnson, 1765); Samuel Johnson, *The Works of the English Poets. With Prefaces, Biographical and Critical*, 75 vols. (London: Printed by John Nichols, 1790); Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, 12 vols. (London: Printed for A. Strahan and T. Cadell, 1791-1792).
[41] RK owned "British Theatre Bells" in "22 vol.," according to Vol. 74. The volumes were cut up at an unknown date and each play put can be seen individually at N-YHS. For Dryden notes see tipped in sheet at Scrapbook, ca. 1807-1817, RK Papers, Vol. 104, N-YHS; RK Papers, Box 27, Folder 6, N-YHS.
[42] Commonplace Notebooks, RK Papers, Vols. 75-76 and 101-102, N-YHS; RK Papers, Box 27, Folder 6, N-YHS.
[43] Commonplace Notebooks, Vol. 75 and 101, N-YHS; RK copies of Adam Smith, *The Theory of Moral Sentiments*, 2 vols. (London: Printed by A. Strahan, Printers-Street, for T. Cadell jun. and W. Davies in the Strand; and W. Creech, and J. Bell and Co. at Edinburgh, 1801); David Hume, *The History of England, From the Invasion of Julius Cæsar to the Revolution in 1688*, 8 vols. (London: Printed for T. Cadell, 1796); Hume, *Essays and Treatises on Several Subjects*, 2 vols. (Edinburgh: Bell & Bradfute, and T. Duncan, 1793).
[44] RK copies of Daniel Defoe, *The Life and Strange Surprizing Adventures of Robinson Crusoe*, 2 vols. (London: Printed for John Stockdale, 1790); Sir Walter Scott, *Quentin Durward* (Philadelphia: H.C. Carey and I. Lea, 1823).
[45] Henry Stevens to James Lenox, 25 September 1848, Misc. Mss. Stevens, Henry, N-YHS. Copy of manuscript made by Victor H. Paltsits; RK's copies of Jacques Cartier, *Discovrs dv voyage fait par le Capitaine Iaqves Cartier* (Rouen: De l'imprimerie de Raphaël du Petit Val, libraire & imprimeur du roy, à l'Ange Raphaël, [1598]); Pierre Biard, *Relation de la Novvelle France, de ses terres, natvrel dv Païs, & de se ses Habitans* (Lyon: Lovys Mvgvet, en ruë Merciere, 1616).
[46] RK to Thomas Jefferson, 20 December 1803, RK Papers, Box 9, Folder 6, N-YHS.
[47] Arthur Homer to RK, 13 February 1801, King Family Papers, Box 1, Folder 1801, N-YHS.
[48] RK to Christopher Gore, 1 November 1803, *LCRK*, Vol. 4, 323-4.
[49] After RK's death, the library was valued "$5,530.23 Total Estimate by G. H. Carvill and F.G. King Octr 13th 1827," in Vol. 74. James Gore King noted the "$6000 cost of Library." James Gore King to Edward King, 12 July 1828, Sarah Worthington King Peter Manuscript Collection, Ross County Historical Society, Chillicothe, Ohio.
[50] Charles Ray King built a new library wing in his home to accommodate the books. Richard King to Charles Ray King, 18 April 1874, King Family Papers, Box 3, Folder 1874, N-YHS.
[51] "Miss King Left $1,000,000," *New York Times*, 17 September 1909; "Books to Historical Society. Rufus King's Library Added to Collection—Valued at $50,000," *New-York Tribune*, 7 March 1906; "Will Dispose of $400,000," *Trenton Evening Times*, 16 November 1905.
[52] N-YHS Register of Additions, 1904-1907, entry for 5 March 1906; Edmund L. Baylies to Robert H. Kelby, 22 January 1906 and 29 January 1906, N-YHS Institutional Archive, January 16-31, 1906 folder; Pamela Spence Richards, *Scholars and Gentlemen: The Library of the New-York Historical Society 1804-1982* (New York: Archon Books, 1984), 57-58; Alexander J. Wall, "Robert Hendre Kelby 1847-1927," *The New-York Historical Society Quarterly Bulletin* 9 (January 1928): 112-113. The RK Papers were donated to N-YHS in 1902, according to R.W.G. Vail, *Knickerbocker's Birthday: A Sesqui-Centennial History of the New-York Historical Society, 1804-1954* (New York: New-York Historical Society, 1954), 174.

[53] Vol. 74.
[54] Inventory of King Library, 1874, RK Papers, Vol. 74A, N-YHS.
[55] *Catalog of the King Library*, ca. 1906.
[56] The four card catalog drawers are not in the electronic catalog of N-YHS. Library staff will be cataloging them in the near future and they will reside in the N-YHS Archive.
[57] The bindings could not be found at N-YHS.
[58] Letterbook, 1796-1803, RK to Nicholas Low, 5 August 1802, RK Papers, Vol. 94, N-YHS. The contractual agreement for RK's lease of the *John Morgan* can be found in the letter of agreement between Isaac Kibbe and RK, 28 December 1802, Letterbook and Account Book of Nicholas Low as Agent for RK, RK Papers, Vol. 37, N-YHS.
[59] For list of books RK ordered from Charles Pougens in France in 1802 see RK Papers, N-YHS, Box 9, Folder 6. RK mentions rummaging through the bookshops in Leiden, the Hague, and Amsterdam. King visited many shops in those cities and said "I have been disappointed in the book stores – not being to find several books, and among them several copies printed in Holland, and among those I met with the Price was nearly equal to Prices in England." See Notebook on Journey through Europe, 1802, RK Papers, Vol. 78, N-YHS. For information on King's travels after he left the Low Countries see Charles J. Ingersoll, *Recollections: Historical, Political, Biographical, Social*, Vol. 1 (Philadelphia: J.B. Lippincott, 1861), 18, 235, 363.
[60] For the Otis books see Chapter 1 of this dissertation. For Pownall, see RK copies of *A Letter to a Great M-----r, on the Prospect of a Peace, Wherein the Demolition of the Fortifications of Louisbourg is Shewn to be Absurd* (London Printed for G. Kearsly, 1761). The pamphlet has the signature of "TPownall / April 19, 61," on the title page; *Expositions of the Motives, Founded Upon The Universally Received Laws of Nations* (London: Printed for J. Raymond, 1753). The title page is signed "Thos Pownall."
[61] The author measured the shelves at the King Manor Museum, Jamaica, New York. The library currently has four shelving units, but there were five when RK resided in the home. The fifth was removed to gain access to a window. Its pieces are in the museum's basement.
[62] The King Manor Museum in Jamaica, New York has one such letterbox in its collection. It is roughly the size of a shoebox.
[63] Reference to locks on the library shelf doors can be found in Domestic Account Book, 1806-1823, entry for 17 March 1807, RK Papers, Vol. 100, N-YHS.
[64] Catherine O'Donnell, "Literature and Politics in the Early Republic: A View from the Bridge," *Journal of the Early Republic* 30 (Summer 2010): 290.
[65] See note 13 above.
[66] Michael H. Hoeflich, "The Lawyer as Pragmatic Reader: The History of Legal Common-Placing," *Arkansas Law Review* 55 (2002-2003): 87-122.
[67] Robert DeMaria, Jr., *Samuel Johnson and the Life of Reading* (Baltimore: Johns Hopkins University Press, 2009), xv.
[68] Hoeflich, "The Lawyer as Pragmatic Reader."
[69] Typed copy of RK to unknown, 5 April 1811, RK Papers, N-YHS, Box 9, Folder 6. This letter is misfiled by date. Also see notation of RK sending a copy of "4 Vol[s]. of Washingtons Life" to his son John Alsop King in March or April 1806, Memorandum of Letters, 1803-1806, RK Papers, Vol. 99, N-YHS. For Charles Ingersoll's positive opinion of Marshall's history see *Inchiquin: The Jesuit's Letters on American Literature and Politics* (New York: I. Riley, 1810), 90-97. For RK purchasing Marshall's *Life of Washington* as the volumes were published, see RK to Charles King and John Alsop King, 6 September 1805, *LCRK,* Vol. 4, 466.

CHAPTER ONE: Rufus King, Reading, and the Political Imaginary of a Federalist

Recte et Suaviter [Justly and Mildly]
-Rufus King Bookplate Motto

Robert Ernst, who wrote a biography of Rufus King in the 1960s, gave his work the subtitle "American Federalist."[1] Ernst's use of the term "American" in his title is apt, as King thought of himself as defending the union and the nation, not just his section, locality, or party. One of King's primary political concerns was the establishment, respect, and defense of the legitimacy of the new American nation in a roiling world. Unfortunately, Ernst does not explore King's wider view of the nation in the world in any sustained manner. By examining King's use of books and print, it is possible to see this project unfolding over the course of his life. In general, it was a forward-looking view of the nation's development, one in which King thought, "we are capable of conceiving, what we are not capable of attaining."[2] In his mind, this generation-spanning project was something that would only succeed if the proper spirit of republican virtue could be instilled in the body politic. And since virtue was a consequence of knowledge, King worked to acquire information and wisdom for himself and instill it in others to improve the nation.[3] This chapter will examine King's mentality, or political imaginary, as a leader of the Federalist Party and begin the process of reconstructing King's larger, hopeful vision of America in the world. In King's mind, the state was made up of the sum of the individuals living it. In order to fully understand King's national legitimizing project we must understand the individuals it was based upon. Therefore, it is essential to decipher King's individuality and get a sense of his ideological compass to truly understand the direction in which he wanted the nation to move. We need to interpret King's imaginary of the nation as his personal identity writ large. Understanding King's reading is critical to this reconstruction and will reveal both his personality and political philosophy.

A political imaginary is the collection of symbols, signs, and assumptions that underpin the understanding of power and its use in the world.[4] King's "unreflective adoption" of words, images, and stories helped, "shape and orient the space of political reason" in which he could operate.[5] King's political imaginary was so permeating that it never required formal expression, but recapturing his philosophical presuppositions is an important undertaking as his unspoken belief system played a critical, if not causal, role in moving King to act politically.[6] It is possible to trace the outlines of King's unstated assumptions through his use of marginalia, scrap notes, and commonplace entries, which often represent unfiltered thought and opinion. This unfiltered thought can then be used to analyze and reinterpret King's formal writings and letters, which were constructed works, allowing for a new understanding of his political priorities. Put most succinctly, King claimed he "was, and am, and shall never change—a Federalist: the sense in wh. Washington, Hamilton, and Madison for a time, were federalists. I used my best exertions to obtain the establishment of the Constitution, and to put it into operation, agt. the strong and persevering opposition of its opponents."[7] This chapter will try to unpack what it means to be a Federalist through the books and pamphlets he read.

King's Earliest Reading and Education

Very little direct evidence of King's reading before the mid-1780s exists, but it is worth taking a brief look at the role formal education played in the creation of his political imaginary. King claimed the groundwork for his political outlook, proficiencies, and achievements were laid at an early age and that these youthful experiences and his education cemented his Federalist proclivities.[8] Having the ability to marshal vast amounts of information was an essential condition to join the highest echelons of public service in King's mind and his experiences as a student and law clerk allowed him to master the culture of gentility, acquire the study techniques

he would use throughout his life, and build a foundation of knowledge that would produce political clout.[9]

King was born in Scarborough, the District of Maine in 1755, but his mother died when he was three, and his stepmother Mary Black King probably taught him to read by introducing him to hornbooks and primers before the age of six and then elementary readers, catechisms, and the Bible after he matured.[10] In 1848 King's niece claimed, "[t]he Moral instruction in the family was derived from the Bible, The Ten Commandments, & the 'Sermon on the Mount,' [which] were considered a sufficient formula."[11] King's father Richard, a lumber merchant with an Atlantic-wide reach, local dry goods salesman, and pettifogging lawyer, also had a penchant for reading.[12] His thirty-five-volume library, which included works by Livy, Julius Caesar, Pierre Bayle, Thomas Salmon, John Locke, Joseph Addison and Richard Steele's *The Spectator*, and eleven legal books, was large for a frontier household. King at least had access to important texts in his home during his youth.[13]

Richard also gave King his first books at the age of eleven when he purchased "two books for rufus."[14] The titles of these books are unknown, but they might have been Latin books, as King had just finished a year of schooling with Scarborough's first grammar school teacher, the 1764 Harvard graduate Samuel Eaton.[15] Students often began their Latin training as young as eight in the colonial and early republic eras. After acquiring some proficiency with Latin, students moved on to Greek, but the more important language to master was that of ancient Rome.

Learning Latin was a ritual as well as a form of substantive study. Advocates of the process argued that it helped students learn modern vernaculars, develop habits of precision in the use of language, and form a universal understanding of the principles of grammar. It was

said to discipline the mind, exercise memory, and cultivate taste. The Latin texts students like King worked with provided literary models to emulate and gave lessons of elevated morality and an enhanced sense of elegance and beauty. Translation forced a reader or writer to pay close attention to language and built a capacity for synthesis and analysis, while also fostering a facility to make exact judgments. King took his Latin lessons seriously and was lauded for his skills in the language, which helped make him a shrewd compiler of information and an efficient reader of difficult texts.[16]

King acquired much of his facility with Latin and other languages from Samuel Moody, the headmaster of Governor Dummer Academy, in the Byfield section of Newbury, Massachusetts.[17] He enrolled in the school in 1767 with the support of his father. While not all students who attended the academy went in with the hope of moving on to Harvard College, King's goal was to be admitted to study at Cambridge and he thrived under Moody's tutelage. Most of King's reading life for the next six years involved classical texts, although he did learn French, and possibly Hebrew, Spanish, and Italian with Moody, and had access to a variety of books beyond the usual grammar school curriculum. Moody designed his program of study around Harvard's bylaws, which stated, "[n]o one shall be admitted, unless he can translate the Greek and Latin Authors in common use, such as Tully, Virgil, The New-Testament, Xenophon &c understands the Rules of Grammar, can write Latin correctly, and hath a good moral Character."[18] Harvard did not test English, French, science, or mathematical skills, and Moody put little emphasis on them.[19] What mattered were classical languages, and to help his students become proficient, Moody, like all grammar school preceptors of the time, favored rote memorization and mechanical recitations from a small number of textbooks. Students usually worked on their language skills and translations from eight to eleven and after a short midday

break they took up their books from one to sunset. It was a dull existence of copying, memorizing, repeating, and imitating.[20]

Moody was known for his thoroughness, not his encyclopedic knowledge or his writing ability.[21] His attention to detail was such that some students remembered he would read Latin, Greek, and French dictionaries through from A to Z.[22] This sort of hardheaded dedication was what Moody expected from his students. King's style of reading had a similar single-mindedness behind it. He read for a purpose and did not stop until he found what he needed. His time at Dummer Academy proved fruitful, as King easily passed the exams to enter Harvard in 1773. Once at the college, he entered a system designed to create well-rounded young men who could move easily into any situation that social leadership required. To graduate he had to "be able to translate the Original of the Old and New Testament in to the Latin Tongue and [have] a good Acquaintance with the Classics [be] well instructed in the Principles of the Mathematics, of natural and moral philosophy, of Logic and Rhetoric."[23] The classics were consistently among the most popular books the students read and they provided the students of the Revolutionary period a common vocabulary in which to operate and a sense of urgency they might not have had otherwise.

Revolutionary elites understood that reason could be found in tradition as well as in the latest Enlightenment texts. While the study of the classics provided the necessary symbolism to create gentlemen of social mobility, whose mere acquisition of such knowledge demonstrated financial means and leisure, the real pedagogical purpose behind these readings was political. Learning about history gave students the knowledge to perceive ever-threatening tyranny, which they feared would slowly work its way through societies in slow-moving stages. Classical knowledge would help students like King recognize and overcome the despotism that arose as

ambition strangled liberty. The classics were part of the conditioning process instilled by teachers who could not imagine teaching virtue, independence, or morality without them. Eighteenth century men also learned that connecting their ideas and projects to classical antecedents provided a legitimizing function in support of their cause, argument, or rhetoric.[24]

King also read widely beyond the classics while at Harvard. King's reading life would have been driven by the college's curriculum that mandated study in logic (which included metaphysics and ethics), mathematics (which included natural philosophy, geography, and astronomy), theology, rhetoric, belles-lettres, English composition, and elocution. The three most important works to the college administration in King's era were Isaac Watts' *Logic*, John Locke's *An Essay Concerning Human Understanding*, and Thomas Reid's *An Inquiry into the Human Mind*. They were the fundamental texts of Harvard's curriculum up to the early nineteenth century.[25]

It is known King acquired books outside the curriculum while in college, checked out texts from the college library from December 1775-July 1777, and read as a member and later president of the student-led Speaking Club from 1774-1777. King dated four personal books from his college years, and one of them came from a friend. The larger evidence of King's reading can be found in the charging records the college library kept. He borrowed seventeen titles in twenty-six volumes over twenty months. Eight of the volumes were history books, followed by law, philosophy, and navigation – with four volumes each – and religion and current events – with two volumes each. King also checked out Sébastien Le Prestre, Seigneur de Vauban's *The New Method of Fortification* in November 1776, no doubt because of thoughts of joining the American war effort.[26]

The Speaking Club also offered another reading outlet. His participation in the organization allowed him to read and hear about a number of works outside the curriculum. The members declaimed fortnightly from a variety of sources, including classical works, plays, popular literature, and political material, and their group critiqued the performance. All members could comment upon the speaker's success or failure, but a specific committee, the members of which were tasked with studying "the best treatises upon elocution" at least three months before their scheduled critique, offered detailed criticisms on the technical aspects of the oratory. The club also used dues to buy a library. During his tenure in the club, King only offered three pieces of oratory, including a "Speech of Quintus to the Romans," a group effort with five others who enacted "A Scene from Robbinhood Club," from Samuel Foote's *The Orators*, and most titillating, "A Piece on Whigism."[27]

Upon graduating from Harvard, first in his class, in 1777, King began to read the law with Theophilus Parsons, a lawyer in Newburyport, Massachusetts.[28] King's father died in 1775 and left the family in a situation worse than expected. King knew he could not live off his father's estate for long and quickly decided to pursue a law career. He was determined to move forward despite financial difficulties, telling his brother-in-law, "[y]ou know my circumstances – I must go thrô with my Education, if I can acquire that, and live to see peace – I am content – It would have been pleasing to me to have retained my Patrimony intire, But that is impossible … My Education I will have – My Patrimony I trust will be sufficient – The expence as now counted is high, is great."[29]

The choice was ideal for King as Parsons was known as, "a generous Liberal man" and was one of the state's most promising legal minds.[30] Parsons also possessed one of the best law libraries in the new nation, having acquired the books of the former Attorney General of

Massachusetts, Edmund Trowbridge. The library "seems to have contained all the valuable books on English law then in existence."[31]

We know very little about King's legal training under Parsons. None of King's notebooks or commonplace books from this period has survived. There is no doubt he would have kept such a legal commonplace book, which was a typical *vade mecum* for the time period. It was the method Parsons used to learn the law in early 1770s. Parsons assimilated the law, "by writing. He took topic after topic, and after a through and exhaustive investigation of the decisions and dicta, he made an abstract of all the principles which belonged to it, and of all the authorities which bore upon them."[32] The selection of important sections of text placed under headings of the collector's own preference that were then cross-referenced to other important maxims helped students embed legal knowledge into their memories.[33] This was the case for Parsons, "when," it was reported, "away from home, and with neither them [his notes] nor the books from which they were taken, within his reach, his memory would recall any one as it was wanted."[34] King would have used the commonplacing strategy in the 1770s, and his existing commonplace books demonstrate he used the scheme throughout his life.

There is only a slim amount of reading evidence from his clerkship with Parsons from 1777-1780. Early in his studies, he sent to Scarborough for his copy of Sir William Blackstone's *Commentaries on the Laws of England*, a book that introduced the common law to many in the Revolutionary and early republic eras. Also in 1778, we know King owned a 1719 edition of Samuel Pufendorf's *An Introduction to the History of the Principal Kingdoms and States of Europe*, which he marked on the front pastedown "Ruf King's 1778" and below that "From M^{rs}. Wendell."[35] It is also known that Parsons supervised King's reading of books on maritime law, a subject King eventually mastered. During a trip to New England in 1804, King stopped in

Boston and visited the law office of his friend Christopher Gore. Gore was out, but a young Daniel Webster was reading in the office. King sat and waited for his friend, but Webster recorded

> he asked what I was reading, and, coming along up to the table, took the book and looked at it. 'Roccus,' said he, '*de navibus et nando*. Well I read that book too when I was a boy'; and proceeded to talk not only about 'ships and freights,' but insurance, prize, and other matters of maritime law, in a manner 'to put me up to all I knew,' and a good deal more. The grey-coated stranger turned out to be Mr. Rufus King.[36]

King also handled a number of cases in the Massachusetts courts that involved maritime issues. It would be a subject King would return to throughout his life.

King also visited Boston on a regular basis to partake in literary discussions with his college friends in the living quarters of the artist John Trumbull. As Trumbull later recalled

> At this period, 1777-8, a club was formed in Boston of young men from college, among whose members, were Rufus King, Christopher Gore, William Eustis, Royal Tyler, Thomas Dawes, Aaron Dexter, &c. &c.,– The club generally met in my room, regaled themselves with a cup of tea instead of wine, and discussed subjects of literature, politics, and war.[37]

What they read is not clear, but this club did provide King with an outlet to discuss books outside his legal training, and also provided him with opportunities to buy books in Boston.

Even after being admitted to the bar, little is known of King's reading habits. He was making massive purchases during the early 1780s though, and he told his brother-in-law that he could not help with the education of his sister Elizabeth as he had, "been collecting what spare money I could com[m]and for the purpose of making a purchase of some amount in Books."[38] This probably included a series of purchases from James Otis Jr.'s estate in 1783, many of them seventeenth century folio editions of rare legal texts.[39]

He gave many of his law books to his youngest brother Cyrus King, who began studying the law in 1795. Cyrus noted that he made a list of the books he took from King's library, but that list has not survived. King also gave some of the remaining law books in his library to his son Edward, who moved to Chillicothe, Ohio to start a law career in 1815.[40] From the winter of 1815 to September 1816, King collected legal books for Edward, eventually sending 139 newly purchased volumes and at least twenty-six volumes from his own library.[41] King reported that "the collection is a good one; much better than I was able to possess when I began the Profession."[42]

King looked back admiringly at the oversight he received in his youth from his step-mother and father, Samuel Eaton, Samuel Moody, his college professors, and Theophilus Parsons. King's fervor for education only grew as he got older and he took on national responsibilities. He believed young men needed guidance to navigate the huge amount of print that existed in the late eighteenth and early nineteenth centuries. Deference to one's superiors was a trait King hoped education would instill. For example, on the back pastedown of Thomas Edward Ritchie's *An Account of the Life and Writings of David Hume*, a book he read after 1807, King wrote "Learned men 262."[43] The section that King referred to has Hume expressing his disgust for superficial learning through wide and undisciplined reading. Hume said,

> [i]n truth, there is nothing I hold so cheap as the generality of learned men; and I have often thought, that young men ought to be made scholars, lest they should grow to reverence learned blockheads, and think there is any merit in having read more foolish books than other folks, which, as there are a thousand nonsensical books for one good one, must be the case of any man who has read much more than other people.[44]

Good taste in reading material was just as important as the actual reading in King's mind. He put off buying a major library until he was in his early forties and properly cultivated and learned

to make the best choices. King was angry with his oldest son, John, for buying too many books in his teenage years. After returning to New York from his ministry in London in 1803, King left John and two of his brothers in Europe to finish their education. King wrote to John's guardian, claiming "John is I observe disposed to buy books – on this head, whatever books are required in their Education must be procured, but the making of a Library, sh^{d}. be deferred till their judgment can distinguish good authors from bad ones."[45] Such an outlay of expenses without judgment could lead to bad decisions and unacceptable ideas being put in his son's head.

Marginalia in King's copy of Vicesimus Knox's *Liberal Education* recorded that even a luminary like Cicero deferred to his superiors in his youth. King intervened with a vertical line in the margin at the point in the text where Knox commented that Cicero said, "when I was a boy, one Plotius first began to teach the Latin language; and as it was the fashion to attend his lectures, I was uneasy that I was not permitted to go too. But I was prevented by the authority of some very learned men, who were of opinion, that the understanding might be better cultivated by exercises in Greek."[46]

Examining King's education, book collecting, and reading evidence after the mid-1780s, allows us to discern the foundational beliefs to his political imaginary. The authors that King turned to for the construction of his identity unsurprisingly included Edmund Burke, Samuel Johnson, Edward Gibbon, Francis Bacon, and classical writers, mostly importantly Cicero, but also Sallust, Tacitus, and Livy, as well as legal writers in the common law, natural law, and law of nations traditions.[47] In general, King was a very serious-minded reader of history, politics, philosophy, and law, who avoided novels and had little appreciation for art.[48] His recreational reading revolved around travel books, but even these books had a practical side to them,

providing knowledge of the history, culture, and geography of far-off places to a man who did not travel widely.

A sense of how King modeled his life can be gathered from a section of the *Result of the Convention of Delegates Holden at Ipswich in the County of Essex*, often referred to as the *Essex Result*, published in 1778. Theophilus Parsons was the primary author of the document, which challenged the Massachusetts state constitution being put before the voters. King was reading the law with Parsons when the *Essex Result* appeared and no doubt played a role in its creation and would have agreed with its contents. Parsons described the archetype political figure in the new age of lawmaking during the Revolution, which neatly summarizes the way King crafted his own identity:

> The man who alone undertakes to form a constitution, ought to be an unimpassioned being; one enlightened mind … perfectly acquainted with all the alienable and unalienable rights of mankind; possessed of this grand truth, that all men are born equally free, and that no man ought to surrender any part of his natural rights, without receiving the greatest possible equivalent; and influenced by the impartial principles of rectitude and justice … He ought also to be master of the histories of all the empires and states which are now existing, and all those which have figured in antiquity, and thereby able to collect and blend their respective excellencies, and avoid those defects which experience hath pointed out.[49]

Understanding King's political imaginary does more than address a lacuna in his biography, which in and of itself is important, but it also offers an avenue to better understand larger political concerns in the early republic. Since King equated a nation with the collection of individuals residing in it, understanding King's self-constructed individuality provides access to how he imagined the nation *should* be.

The way King lived his daily life reflected how he wanted the nation to develop and mature. To put it another way, his private, genteel self-fashioning is a window into his ultimate

vision of the public life of the state. The identity he crafted has many sources, including his family relations, travels, religious beliefs, among many other strands; but the focus here will be on how he constructed his Federalist ideology through his reading of books and other forms of print.[50]

Until recently, most historians had written off Federalist views as the curmudgeonly bleating of angry aristocrats. They might have done some good work in the late 1780s and early 1790s when they controlled the government, but most historians argue they were swimming against the tide of liberal democracy promoted by Thomas Jefferson and his followers.[51] Over the past decade the Federalists have been reinterpreted through the lens of cultural history and given some credit for their contributions to American literary and cultural life beyond the 1820s, but King's ideology, as elucidated through reading, will show that Federalist political views of the legitimacy of the nation had greater staying power as well.[52] Federalist nation building, as promoted by King, became a powerful aspect of the politics of slavery in the antebellum era, achieving ascendency with the Northern victory in the Civil War, and can be traced through the strong central state tradition of the twentieth century.

If Federalist nation building is so important to American history, what does it mean to be a Federalist? Like almost all early Americans, the Federalists supported a version of republicanism that saw the rebellious colonists through the American Revolution. This ideology emphasized the need for civic virtue, continuous vigilance, and individual political independence in the face of a creeping, corrupting power. The Federalists had a jaundiced view of the world and man's role in it, and emphasized the need for top-down management of government to overcome the inevitable decay of corruption.[53]

This hierarchical view called for a strong central government that could promote the order and harmony needed to prop up the "organic web of reconcilable interests" in America.[54] In essence, this meant every person had their proper place in society, just like every part of the human body had its own particular role to play, and no other. Popular participation was important to the Federalists, and in fact they believed the Union would fall apart without it, but they argued this participation was only required to select the appropriately educated elite to guide the ship of state.[55] Reading John Adams' *Defence of the Constitution* in 1821, King quoted, "☞ God has made, a portion at all times, of men, possessing more intellect, than among ordinary men." The trick was to restrain them through a balanced constitution, as Adams argued, and by a "Gov. of Laws not of men – to this End bad men sh^{d}. be controlled."[56]

That being said, King had misgivings about the top-down rule promoted in the Laybach Circular of 1821, published by European rulers in defense of their leadership in the post-Napoleonic era:

> useful & salutary Changes in the Constitution of States, ought only to Eminate [sic] <u>from those whom God has rendered responsible for Power</u>. All that deviates from this Principle, leads to Disorder, commotion & Evil, more insufferable than those pretended to be remedied – Penetrated with this eternal Truth the allied Sovereigns have not hesitated to proclaim it with frankness & Vigour[.] They declare that in respecting the Rights & Independence of all legitimate power they regard as legally null, & disavowed by the Principles of the pub. law of Europe, all pretended Reforms, operated by Revolt and upon Hostility.[57]

King wrote this in order to mock it. He was shocked that the European rulers would deign to say a nation could have civil liberty without political liberty. Reading as a lawyer, King rejected such abstractions, basing his politics on empiricism.[58] The Americans had proved that it was possible for the people to reform a nation for the better and he did not reject the voice of the people.

Like Adams, King promoted a balanced system that allowed space for the people to participate in government, but gave the elites of society a strong guiding hand. King found a passage to help him express that idea when reading of Edwards Gibbon's *Memoirs*. In an extract, which King headed "Democracy," Gibbon expressed pleasure with a metaphor Abigail Holroyd, the wife of his good friend Lord Sheffield, wrote when she was returning to England from Switzerland, along the Rhine. Gibbon told her

> I am delighted with yr remark concerning the Rhine; lest the Rhine alas after some temporary wanderings will be content to flow in his own Channel; while Man, man is the greatest fool of the whole creation –
>
> The happy comparison of the Rhine who had heard so much of Liberty on both his Banks, that he wandered with mischievous licentiousness over the adjacent meadows: the inundation alas, has spread much wider, and it is sadly to be feared that the Elbe, the Po, and the Danube may imitate the vile Example of the Rhine
>
> I shall be content if our own Thames preserves his fair Character.
>
> Strong without rage, without o'er flowing full
>
> Gibbon to Miss Holroyd Nov^{r}: 92.[59]

King clearly agreed with the critical take on democracy exhibited by Gibbon in this passage and it mirrors King's own bookplate motto of "justly and mildly." The example of England's mixed government was best though, as the Commons should be strong, but nurture a livable balance for government and society to thrive. He had a particular vision of the nation that fell between the Laybach Circular and Jeffersonian democracy, but what other ideological beliefs did King espouse?

While King had a gloomy point-of-view on a daily basis, and was referred to as a bit of a "croaker" by none other than the pessimistic John Adams, he always had a cautiously optimistic view of the long-term prospects of the nation – provided the nation's leaders acquired the requisite virtue.[60] In a commonplace book King kept while reading Gibbon's *The History of the*

Decline and Fall of the Roman Empire around 1800, he made several entries touching upon this theme. Under the heading "Perseverance," King recorded

> We have seldom an opportunity of observing, either in active, or speculative Life, what Effect may be produced, or what Obstacles may be (removed) surmounted by the force of a single mind, inflexibly applied to the pursuit of a single object – the immortal Athanasius who consecrated every moment, & every faculty of his being to the Defence of the Trinity is an instance of such a Character. the Cause of the Homoousion, he considered as the sole Pleasure & Business, as the Duty & as the Glory of his Life.[61]

Athanasius, a four-century bishop of Alexandria, was a Trinitarian who fought tenaciously for the idea of "Homoousion," the term used by the Council of Nicaea to express the divinity of Christ. His opponents were the believers in Arianism, which stressed the divinity of the Father over the Son. King admired the resolute nature of Athanasius and connected the idea of the steadfast individual to the nation. If the nation were to thrive, he believed, it would require strong leaders such as Athanasius to guide it.

King used the heading "Perseverance" again in the same commonplace book, at a point in Gibbon's text that cited Jean le Rond d'Alembert's *An Account of the Destruction of the Jesuits in France*. King recorded that, "D'Alembert seizing the preceding Reflection [on Athanasius], applies it to states, which building its policy upon system, and not being liable to infirmity and Death as an Individual, is sure by perseverance to attain its object."[62] This reading reflected King's enduring belief in the republican form of government. Now that the nation existed, he could be confident in its continued legitimacy if well-informed elites could manage the state. King believed Federalist leaders had a duty to adhere to their ideology inside a republican system and slowly develop the state over time until it was firmly established. He demonstrated this belief by his next commonplace entry, titled "Rulers," which stated

> Plato observes, Xenophon opens the Cysopedia with the same Reflection, "that the Government of our flocks & herds, is always committed to beings of a superior species" – and that the Conduct of [a] Nation requires & discover[s] the celestial power of the Gods or of the Genii – Hence the duty of those who aspire to govern, to purify their souls to extinguish y^{r}. appetites, enlighten their understanding; regulate their passions, and subdue the wild Beast, which according to [A]ristotle seldom fails to ascend the Throne of a despot.[63]

Continually seeking balance, King desired strong leadership from a class of elites that would know where to place limits on their use of power.

King thought these virtuous leaders should promote the Union and should advocate for clearly defined borders, a strong national defense, and regulated migration across the frontier. Critics often rebuked Federalists for their inclination to hold back citizens from the open Western frontier. King was certainly afraid of the changes that would be wrought by the Louisiana Purchase, but he did not want to stop those changes altogether. His quotation of Francis Bacon in 1818 sums up his thinking well: "[i]t is good not to try experiments in states, unless the necessity be urgent, or the utility evident; and it is well to beware, that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation."[64]

King faced eastward toward the Atlantic and was much more interested in promoting the commercial world of international merchants than the westward-looking small farmer. As a result, his view of the national defense was much more naval-centric. In essence, King wanted to graft a New England and Mid-Atlantic nationalism onto the Western frontier and develop it slowly.[65] It was not an anti-liberal or anti-market view, it was just a more controlled fashion of settlement, like he promoted in the Northwest Ordinance of 1785-1787. One could imagine a less violent form of development in the West if King's vision had been allowed to play out. King's own move to a Long Island farm in 1806 until his death in 1827 would provide his vision

of what he wished Western farmers could be: stable, debt-free, improving agriculturalists who eschewed slavery and treated the Indians fairly.

Rufus King and Federalist Reading

When only using traditional sources it is difficult to perceive King's political imaginary. Almost all of King's letters are exemplars of discrete, cautious, and diplomatic reserve. His correspondence and diaries are highly constructed sources that were drafted and rewritten, in some cases several times, before King finalized and sent them.[66] He presented his opinions in a lawyerly fashion and constantly hedged his language. He most often revealed himself through the supposed privacy of his personal reading and note taking. It is in those sources that we catch a glimpse of a more personal side of King. Several examples of the power of book use and reading provide a window into King's mind and personality.

King demonstrated he was a man of strong opinions, who admired men for their virtue, intelligence, and leadership skills. His affection for George Washington and Alexander Hamilton are good examples of King's inclinations. For example, evidence of his respect for Washington can be found in a commonplace book that King kept at some point in the second half of his ministry in London in 1800-1803. In that commonplace book, he created a heading titled "Second Rank!" and under it wrote, "Proximus longo tamen intervallo / Adams & Washington!"[67] This passage came from Gibbon's *Memoirs*, and the British historian used this Latin line from Virgil's *Aeneid*, meaning "closest, though by a long distance," in reference to the Sardinian King Charles Emanuel, whom Gibbon said was only second in rank among European kings to Frederick the Great of Prussia.[68] In parallel to this, King referred to the greatness of George Washington outshining that of John Adams. Washington was a model to King, a virtuous, upright, and vigilant defender of the public good before personal gain.[69] Washington

was seen as the archetype of Lord Bolingbroke's Patriot King, a figure above party whose task it was to unite the nation, a categorization that fits King's understanding of the president.[70]

Two other examples will show that King's personal beliefs can be discerned through evidence of his reading. In a controversial move in 1818, General Andrew Jackson marched with his army into Spanish Florida to stop raids into the United States. During the excursion Jackson ordered the execution of two British traders he accused of fomenting the raids. King supported Jackson's move as it represented decisive leadership in difficult circumstances. Confirmation for this can be found in a scrap note King created around the time the controversy occurred. While reading early Virginian history, he marked down that "[John] Smith. acted with Vigour and good sense, which he possessed the most, when he most wanted them." Directly beneath this comment, King noted that this mirrored the "Character of Gen[l] Jackson."[71] King liked secure borders and a strong national defense, which Jackson fought for. In addition, King desired to hitch his dying Federalist Party's star to the war hero. Although he would have rued the day he wrote that line if he had lived to see the democratic nature of Jackson's presidency.

Lastly, the most exalting praise and scathing denunciation that King ever recorded can be found in notes written after the Hamilton-Burr duel in 1804. King advised Hamilton to avoid the challenge and when the former Secretary of the Treasury persevered, King counseled that he should not throw away his shot. When the duel took place on July 11, 1804, King was in Connecticut on the road to visit his family in Maine. He heard the bad news and in a commonplace book under the heading "Hamilton" copied two classical passages to describe his grief

> In every virtuous act, & glorious strife,
> He shone the first and best –
>
> Homer – il[iad]. 2.208.

> Each rising sun beholds my ceaseless grief
> And night returning brings me no relief
>
> [Cicero, *Orations*][72]

This was a level of emotion that King did not express even at the death of his wife in 1819. King only infrequently mentioned Hamilton again.[73]

The exact opposite sort of emotion was reserved for the victor in the duel, Aaron Burr. King used another classical passage to express his white-hot anger toward the man he considered a political chameleon

> Death is terrible to those with whose life all things come to an end, not to those whose fame cannot die; Miseries and calamites press upon thee who thinkest thyself rich and increased with goods; thy lusts torture thee. The consciousness of thy evil deeds goads thee to madness; the fear of judgment and of the law racks thy mind; wherever thou turnest thy eyes, thy unjust deeds, like furies, meet thee, and do not suffer thee to breathe[74]

This quote comes from one of Cicero's more obscure works, *Paradoxium*.[75] King painted Burr as an ideological anti-republican who would not secure fame to himself because of his selfish and evil deeds. Burr distorted everything King believed in – justice, law, selflessness – and destroyed the life of his friend.

King, Reading, and Mastery

His contemporaries agreed that King evoked the distant haughtiness of an old colonial gentleman. While he seemed reserved at times, he could be charming when the situation required. King lacked a jovial sense of humor in the vein of Gouverneur Morris, but his wife, Mary Alsop King, whose good nature and vivacious personality were noted by those around her, tempered his seriousness. He was also known for his self-command, controlled mind, and disciplined habits. Ever the lawyer, he studied all situations assiduously and only spoke or wrote when he had a complete understanding of the situation at hand, and even then, in as few words as

possible. His intense study habits combined with a "habit of closeness in reasoning," noted the printer William Coleman, "gives a general character to his style, which prevents him from being diffuse, even in familiar narrative."[76] King was a plodding man who tended toward moralizing comments in his public pronouncements. He was detail-oriented and constantly attempting to assert control over his mind and passions. Such traits were needed to maintain authority over the sprawling project of nation building that King supported.

King related a humorous tale of the need to be fully informed while in England, probably around 1802. In his diary he told the story of the wife of William Devaynes, a Member of Parliament from Barnstaple, who one day discovered the will her husband had recently prepared. Quickly reading it, she was shocked that Devaynes had given the estate to three unknown people. After flying into a rage, she accused her husband of duplicity toward his family. After this, Devaynes asked his wife to read the document completely, which she did, leading to her confused embarrassment. The three men were simply the executors of the estate that would be given in full to his family. The anecdote correlates to King's reading style – slow study with an eye toward thoroughness and carefulness. He also avoided saying or doing anything until a complete overview could be done. Diligent study could calm violent emotions and still passions that require containment.[77]

King's self-regulating control was a distinctive personality feature that was central to his identity. Evidence that part of this identity came from reading can be found in surviving scrap notes King kept from his reading of Seneca the Younger's ethical treatise *De ira* [the anger].[78] King related that Seneca had acquired the habit of examining his daily actions through his youthful association with the philosopher Sextus. Seneca's daily routine "consisted in making every evening a sort of Examination of his conscience, by passing in review of his own mind all

the action of the day, examining them at the tribunal of reason, where he condemned himself, when he had done wrong and encouraged himself more on the side of virtue, when he had done a praise worthy deed." King also noted that Sextus would scrutinize his day and admonish himself for vehement disputations, excessive irritability, and unfair resentment. King agreed with the idea that these slights should be purged and that more control could make for a better life and King hoped to emulate the patience of Sextus who said

> a certain Juror treated you [meaning himself] with disrespect, not greater than was offered to Cato? Lentulus, in the memory of Fathers[,] a factious & passionate man, having collected as much as he could of thick spittle; spat it into the middle of Cato's face as he was pleading a Cause[.] He wiped his face, and said, Lentulus, I will declare to every one, that they are mistaken, who deny that you have a mouth.[79]

King recorded this passage to assert that a calm, controlled demeanor could only be acquired by fastidious work and cultivated by self-examination and continuous study.

Controlling the world around him and operating in a virtuous fashion required self-discipline and copious amounts of information, much of which he acquired from books and other forms of print. King attempted to live the Enlightenment ideal of knowing all and classifying information in an attempt to cultivate authority over the politics of a newborn nation. Early in his political career, King made large efforts to learn as much about the world around him in order to be the best public servant possible. In 1785, during his first year in the Continental Congress, King reported to a friend "you know my disposition upon the general pursuits of life, by having observed my practices. I have too much pride to be an ignorant man; and that constant industry to understand, and form dispositions of, the complicated and various business before Congress, is to me a pleasure and amusement."[80] Contemporaries noted King's skills at acquiring information, which gave him clout and gravitas in public affairs, especially after the War of 1812

when a new generation of politicians emerged without the general knowledge of an Enlightenment gentleman.[81]

How much it mattered having that information became clear in an uncharacteristic moment of confusion on King's part in 1786, and led to the disclosure of his note taking, and indirectly, his reading habits. In that month, King had been selected to form a committee with Congressman James Monroe to travel to Philadelphia to convince the state legislature to pay its share of the recommended requisition for national expenses.

In light of the significance of the occasion, King, for the first and only time in his career, proceeded to write out and memorize his speech to the legislature. When he arose to speak before the dignified audience, he froze and forgot his address. Perplexed, he turned to Monroe and asked him to stand in his stead. Collecting his thoughts while Monroe spoke, he returned to the rostrum after his colleague finished and spoke with brilliance without the aid of notes. Contemporary accounts of the speech recorded King's eloquence, but the duo were unsuccessful in their mission as the legislators deferred the question out of a desire to return home quickly, effectively denying the request.

After this ordeal, King never wrote out his speeches again, with the exception of a few he had published after the fact. Charles King reported that his father returned to his usual preparatory measures, which were

> to study minutely and elaborately, and in all points of view, any and every question in the discussion of which he meant to take part; to look out authorities and to make very copious notes: these were finally reduced to a very short brief, or recital of the points in the order in which he meant to discuss them, with here and there, perhaps, a finished phrase or apposite quotation. All the rest was left for the inspiration of the occasion; and in that way only, one would think, can real eloquence, that which fires others and catches fire again from the very warmth it kindles, be conceived of.[82]

Surviving fragments of speech-notes in his archive attest to Charles' description of his father's working style. In three cases, one involving his speech before the Senate against accepting Pennsylvanian Albert Gallatin into the upper legislature in February 1794, another entailing his speech on the Bank of the United States in 1814, and lastly, his speeches during the Missouri Controversy of 1819-1821, King kept notes in a variety of ways.[83] At some points he would divide up a sheet of paper into small squares or rectangles and label them with letters and place quick, bullet-point-style comments under each letter to guide his thoughts. In some instances he would place a paraphrased comment from a book with a short citation to guide him to the original source. At other points he would create commonplace style headings and write full sentences underneath. Lastly, he was known to write out strings of paragraphs on a specific topic or issue. But it is also clear he spoke extemporaneously. For example, a newspaper report of King's speech against Missouri's admission on February 11, 1820 noted he cited Lord Mansfield's decision in the *Somerset* case of 1763, something that does not appear in any extent manuscripts in his archive from the time.[84] The notes make it clear he pulled many books off the shelf in order to prepare for his speeches. While this image of a fiery, extemporaneous speaker might seem out of place with the description of the plodding, careful note-taker, the two sides of King are compatible. King believed the virtuous had to be strong, and that meant fighting strategic political battles when the situation demanded. King could have never been as successful as a speaker without the plodding preparation that organized his mind and gave him ready access to the information he used in public.

Reading and Moral Politics

As a student of constitutional history and an important member of two constitutional conventions, King cared deeply about strong government that worked for the common good. Federalists like King pondered the ability of government to work for good in the life of every citizen. But there was always the concern that government could careen out of control and devolve into a tyrannical tool. King collected citations about the need to both use and watch over government throughout his life. In a batch of commonplace style notes from James Boswell's *The Life of Samuel Johnson,* King cited, "[t]he Defect of all Gov^{ts}. consists in not being able to create a sufficient Fund of Virtue & Principle to make & execute the Law, discretionary Power must be placed somewhere, wh. if not governed by integrity and conscience wd be abused, till the constable w^{d}. sell his for a shilling."[85] Comments like this can be found throughout King's archive, the accumulation of which shows his continued commitment to strong government for the common good. For example, he noted, "Mr. [Edmund] Burke has remarked that all men professing unlimited and discretionary power tending to their own advantage abuse it, and we are not to expect a miraculous interposition to alter the laws of nature."[86] In King's mind, the general nature of human beings was unchangeable, although it could be reigned in and controlled by the brightest members of society.

The fear was that America could end up like Ireland, one of King's symbols of bad government. In the wake of the Irish Rebellion of 1798, King, as American Minister in London, made sure the insurrection's leaders would not be sent to America as refugees, causing a lifetime of political anger to be directed at the Federalist by early nineteenth century immigrants from the island.[87] These new arrivals joined the Republican Party in droves and King saw them as adding an unwanted element of uncontrolled democracy to the American republic. Worrying that the

new immigrants would deteriorate the body politic he worked hard to create, King made notes on Ireland stating, "the Condition of this Country is miserable, owing to Laws radically vicious[.] The State of Ireland is the Result of long and uniform Endeavours to govern the Country by division, by exciting the People against itself – The same System is pursued by every Oligarchy, or ruling Party, by proscribing a Body of People, sometimes a majority as in Ireland – more frequently a Minority in the U.S. sometimes on the Plea of non conformity in the articles of Faith, at others on the Charge of disaffection to the ruling Powers, or political opinions dangerous to the Constitution."[88]

To avoid Ireland's fate, King wanted to have a strong government defined by a rigid moral code. Morality was the primary lens that King looked at politics and law through in the late eighteenth and early nineteenth century. If a person did not strive for continued perfection under a system of strict regulations then harmony would be undercut and the worst excesses of human nature would emerge. King sought to adhere to his moral framework throughout his life as evidenced by his reading.

The seriousness of this Federalist moralism is normally downplayed, but King's sense of morality was genuine and called for the intellectual, social, and moral improvement for the common good of the larger society. If morality was so important to King, how exactly did he define the term in his mind? In a marginal note in Mary Wollstonecraft's *An Historical and Moral View of the Origin and Progress of the French Revolution* made around 1794 or 1795, King wrote that, "Morals take their rise in Feelings – Morals are feelings made permanent. Feelings are transient – Morals are right feelings brought into a continued [perfection]."[89] In some instances, King noted that some aspects of morality are simple and straightforward and can be deciphered with common sense. King said, "in questions of simple unperplexed Morality,

Conscience is very often a Guide that may be trusted. the State of the Question sh^{d}. be completely known."[90] In a common law mindset, which stressed deep knowledge of precedent, King emphasized the need to be completely informed about a situation in order to perfectly understand the action required to stay within a set moral framework.

But in most cases, King felt morality required deeper reflections beyond reason and common sense. An informed moral code came from historical sources read often and with a discerning eye.[91] Notations on classical works show he was examining them with an awareness of modern political and moral action. For example, after telling his son Frederick he should read Cicero's *Offices* and Livy's *Roman History* he warned that, "Tacitus, by reason of his conciseness of Style, is difficult, but his historic language is not difficult, tho' the Reflexions, moral & political, with which his works bounds, are sometimes obscure."[92]

Using historical sources like Tacitus, Cicero, Livy, Sallust, Florus, Thucydides, and a variety of modern historians, examining the classical world allowed King to look behind the curtain of politics. Reading history was an opportunity for King to find out the motives of politicians and what might come in the future. To avoid tyranny, dominate a polity, or preserve morality, a mastery of the history of politics was required. With the timeless examples provided by history one could accumulate the lessons of politics quicker and act in the best possible fashion.[93]

King understood that living a moral life and controlling the darker recesses of human nature require intense vigilance. Talent and intellect were not enough to guarantee a moral existence. A particularly grave example of the unnatural connection of talent and morality came from King's reading of David Hume's *The History of England*.[94] King took notice of Hume's condemnation of Sir Francis Bacon and understood it as a cautionary tale for any moral

statesman. Hume praised Bacon for his genius and referred to him as "The ornament of his age & nation," a description King concurred with. Hume went on to say Bacon would have been the "Ornament of human nature itself" if he only had

> that strength of mind, wh. might check his intemperate desire of Preferment, that would add nothing ; to his dignity and might restrain his profuse inclination to Expense that cd be requisite neither for his honor, nor Entertainment – His want of Economy, and his indulgences to Servants, had involved him in Necessities, and in order to supply his Prodigality, he had been tempted to take Bribes, by the title of Presents, and that in a very open manner, from Suitors in Chancery.[95]

King took Bacon's fall as a warning and did all he could prove his own integrity and dedication toward the public service of the nation. Throughout his political career, King made it clear that he never sought public office and only acquiesced to the desires of a public he wanted to help. Political independence was important, but so was the financial autonomy that Bacon could not acquire. King inherited a vast fortune upon the death of his father-in-law, the merchant and insurance salesman John Alsop, and invested it wisely throughout his life. He made vast sums through the purchase of government securities, loaning money at interest to friends, investing in mercantile adventures, and buying real estate. Always frugal by nature, he docketed a list of expenses from 1815 by proclaiming, "[i]t is to be understood that RK owes no money, and has no unsettled accounts."[96]

Fear of Violence and Popular Politics

Much has been written about the 1790s as a time of violent politics that involved fists, canes, and dueling pistols.[97] King avoided the vehement aspects of the era's politics by cloaking himself in moral rectitude, but a few off-hand remarks in the margins of his books demonstrates he felt as deeply about the politics of the era as anyone. He saw the French Revolution in particular as destabilizing the equilibrium of the world. Reading Charles Jenkinson's pamphlet,

A Discourse on the Conduct of the Government of Great Britain, in Respect to Neutral Nations, King marked a passage that rhetorically asked what had prevented the further continuation of the already extensive French conquests of 1793? With a vertical line in the margin he highlighted, "I answer, not its moderation; for when was moderation to be found in a military republic, governed by adventurers of talents and activity, who must persist in the same course, to maintain their character, importance, and situation."[98]

Fear for an ordered society can also be found in interventions King made in Jacques Mallet du Pan's *Considerations on the Nature of the French Revolution; and on the Causes which Prolong its Duration.* At one point in the text, King underlined a section and wrote "!!!" in margin, when Mallet du Pan declared, "[i]t will not be expected that I should defile my pen by anatomizing those different sects, of decorous butchers, or bare-faced butchers, which were hatched in the carcase [sic] of the Monarchy." King also intervened by placing a check mark next to a mocking passage that expressed fear that the fight against the Revolution would be long and hard, "[a]lthough, the change of fortune in the spring [of 1793] has a little disordered the oeconomy of this philosophical generosity, yet would it be a great mistake to suppose the plan to be abandoned."[99] He feared similar difficulties would arise in America with the rise of the Democratic-Republican party.

King came to privately loathe Thomas Jefferson's embrace of democracy as a rejection of republican virtue and anti-factionalism. This is demonstrated through King's reading of a book Jefferson detested for its Tory leanings, David Hume's *The History of England.*[100] King probably read this after 1800 and on the flyleaf of the first volume of his copy, King copied the passage, "Where ambition can cover (itself) its Enterprises, even to the person himself, under the appearance of Principle, it is the most incurable & inflexible of human Passions."[101] In the

section of the text where this quote is from, Hume described the vigorous centralization of power under Lanfranc, who was appointed as the new Archbishop of Canterbury by William the Conqueror in 1070. That King understood this to mirror Jefferson's rise is evidenced by other annotations in the same volume.

Slightly later in the text, King explicitly attacked Jefferson and his faction for their ambitious designs when reading about the reign of Henry I and connecting Jefferson to a Catholic conspiracy. During Henry's rule, the pope made strenuous moves to increase his power in England. Hume expressed dismay that previous historians looked approvingly on what they described as the advancement of a nonviolent, universal monarchy in Europe. Hume argued that any success Rome had at the time was unnatural and produced by trickery. At this point, King intervened in the margin by writing "Jefferson, & Democracy," and underlined a sentence, noting that "the ignorance and superstition of the people, is so gross an engine, of such universal prevalence, and so little liable to accident or disorder, that it may be successful, even in the most unskillful hands; and scarce any indiscretion can frustrate its operations." King was not criticizing the people in this passage, only noting that they were susceptible to demagogues because of their ignorance. King wanted to educate the people so they could confront the Jeffersonians on their own.

Further down the page, Hume described the twelfth-century monks as desirous of independent power in England, which led them to support a corrupt papacy. In King's mind, the monks were equated with Jefferson's lieutenants, who refused to stand up to their leader for their own selfish reasons. This left the people vulnerable, as they had no science or reason to wield against the encroachment on their liberty, and in such a situation, as King underlined in the text, "Nonsense passed for demonstration." King did not mock the people for their ignorance; he

argued the gilded tongues of the Jeffersonian faction deceived them. With time and persuasion, King felt his political fellow travelers could show the people the proper path toward republicanism.[102]

One tool the Jeffersonian faction confidently wielded in their attempts to seduce the people, King said, was the fluid use of language. King felt the Jeffersonians manipulated the political concepts of the Revolutionary era for their own self-aggrandizing means. In an undated essay written after Napoleon became Emperor, but which corresponds to his thinking in the 1790s, King noted, "Words without meaning or with wrong meaning have especially of late years done great harm. Liberty, Love of Country, Federalism, Republicanism, Democracy, Jacobin, Glory, Philosophy and Honor are words in the mouth of everyone and without any precision used by any one; the abuse of words is as pernicious as the abuse of things." During the French Revolution, those who claimed to be fighting for liberty were often on the side of despotism and King asked "who were in reality the Apostates? Those who adhered to France, or those who withdrew their good wishes and feelings from her? Plain as the answer is, it has nevertheless been the latter who have been branded as the Apostates."[103]

Such duplicitous use of language was abhorrent to King, who felt that actions spoke louder than words, which is reflected by his note of the line from Shakespeare's *Troilus and Cressida*, "There is Language in the Eye, the Cheek, the lip, nay The foot speaks."[104] It took constant vigilance and the need to see through vague language to preserve order and prevent political disintegration. This helps explain King's fastidious use of precise language and multiple drafts. It also clarifies his ownership of over a dozen dictionaries in multiple languages. Such structured language was a political tool, not simply a pedantic exercise.

Writing in a notebook after the War of 1812, King expressed his fear of the unscrupulous use of language by his political opponents. Quoting Cicero, King noted "Special pleadings, resemble the Formalilus of the Roman Law, which he [Cicero] says, were Inanissima prudentiæ, fraudis autum & stultitiæ plenissima." Translated, Cicero said, "they were found to be thoroughly devoid of prudence, but most full of fraud and foolishness."[105] If the Federalists were not careful, the Jacobins would use overly eloquent language to trick the people. One of King's political goals was to prevent this from happening.

One example of his attack on fluid use of language can be found in his copy of Mary Wollstonecraft's *An Historical and Moral View of the Origin and Progress of the French Revolution; and the Effect it has Produced in Europe*. King's distaste for Wollstonecraft's acceptance of violence in her book shaped his belief that the Federalists needed to help the nation use empathy to defuse mob anger. King's copy was published in late 1794, and he probably read it as soon he procured an unbound copy, the margins of which were later trimmed when he had the volume bound to his specifications.[106] King's interaction with this Wollstonecraft volume represents his greatest emotional response to any text in his library. While it certainly does not match the intensity of John Adams' multiple readings of the book, it sufficiently records King's political beliefs in a way he never voiced in any letter or essay.[107] At times he agreed with her, but King quickly became exasperated with her analysis when she came to conclusions at odds with his own. Overall, King's understanding of the violence of the Reign of Terror displayed a fear that it could happen in America without vigilance.

King feared the overthrow of the social order represented by events in the French Revolution.[108] An example of this conviction came at an intervention King made at pages 224-225 of his Wollstonecraft volume. At this point, Wollstonecraft noted that laws did nothing to

protect the equality of man and that civilization only improved the arts and upper classes. Mankind in general was hurt, not helped, by these "prejudices." At the foot of page 224, King remarked "M[rs]. Mary Woolstoncraft [sic] would only wish that Religion, Submission to laws – filial [un]ity, & Conjugal fidelity should be hence[w]ith wished out of the calendar of virtues."[109] Wollstonecraft attacked all the institutions that King understood as the foundation of his political imaginary at this passage. He would have none of her belief that the common man could advance through the stages of civilization without the help of educated men of good will.

Wollstonecraft asserted that the people were perfectible and excused the violence of the Revolution. She felt violence would more than likely occur as an imperfect public made progress toward civilization. She blamed the violence on the sensuality and perverted nature of the aristocratic classes, who forced the people to move through the stages of civilization too quickly. At a point where King drew a vertical line in the margin of the text, she argued, "why dwell circumstantially on the excesses that revolt humanity … it becomes necessary to observe, that, whilst despotism and superstition exist, the convulsions, which the regeneration of man occasions, will always bring forward the vices they have engendered, to devour their parents." In the margin, King succinctly summed up his feelings to this passage as "Sophis[m]."[110] King never agreed that violence was the answer.

He unraveled Wollstonecraft's argument using the same Scottish thinkers she pointed to when she appropriated the idea of the stages of civilization. King made the claim that despite the despotism of the French monarchy and aristocracy, commoners still had the ability to feel empathy for their opponents as human beings. That feeling of empathy should have led to a moral spark, which should have halted the violence. The French Revolution was a warning to King that without empathy, the passions of politics can lead to the lamentations of the sword.

By this logic, King was also saying he could have feeling for the plight of the ordinary subject of France, but that the anger for change needed to be channeled through the law.

In fact, King liked certain changes wrought by the early French Revolution. The renunciation of feudal rights by the aristocracy and the promulgation of the Declaration of the Rights of Man and the Citizen on August 4, 1789 were major steps forward in King's mind. Rights played a large role in King's thinking and the growth and protection of them were key goals of his political maneuvering. When Wollstonecraft mocked the events of August 4th, King was indignant. King drew a vertical line in the text at a point where Wollstonecraft ridiculed the high and mighty tone of, "these legislators, that all talked of *sacrifices*, and boasted of generosity, when they were only doing common justice, and making the obvious practical comment on the declaration of rights, which they had passed in the morning." In the margin, King wrote "!Fie!" in disgust and followed up by stating, "[t]his was a day of glorious & noble sacrific[e] which ridicule can never sully."[111] King disagreed with Wollstonecraft, pointing out that the leadership of France made substantial sacrifices she took lightly. This lack of seriousness led to the killings that King so feared.

One place King looked for answers amid a world of violence was the history of ancient Greece and Rome. He sought examples to solve current day political problems in ancient literature and used it to improve his rhetoric in speeches and make political decisions. The present was always on his mind when he looked to the past. In the early 1790s, he read William Smith's two-volume translation of Thucydides' *The History of the Peloponnesian War*, taking particular notice of the story of the "Seduction of Corcyra. Page 283" at the flyleaf of volume one.[112] The annotations on the history of Corcyra that King left behind, and the connections to the eighteenth century that he made demonstrates the deep fear and skepticism he felt about

America in a world of international turmoil. This line of thought easily led to his support for neutrality in 1793 and peace under the Jay Treaty in 1794-1795. Without such stands, the order and civilization King so needed to make sense of his world would be sacrificed.

In 433 B.C.E., the clash between Corinth and its former colony, Corcyra, drew the Hellenic world into the Peloponnesian War. By 427 Corcyra was enveloped in a brutal civil war between those who favored the oligarchic leaders of the city, allied with Sparta, and the followers of the democrats, in league with Athens. King drew several parallels to Corcyra, but was especially fearful that the acrimonious political scene of the 1790s could devolve into the savage violence of the Ionian city's civil war. At pages 282-283, Thucydides describes a particularly terrible and duplicitous massacre of oligarch supporters at the hands of the democrats that morphs into a general killing spree, after which, King underlined "and such things ever will be so long as human nature continues the same." At the foot of the page, King then wrote that this adage was "wonderfully verified in the french Revolution. What an instructive Lesson to America, to whom Eng & France are the Sparta & Athens of Corcyra."[113] King understood that a weak America was a pawn in the machinations of the European powers, and wanted the new nation to avoid the violence of France's politics. King worried that America was just one step away from the violence of perpetuated in France and Corcyra.

This fear of the mob or the "rabble" was a constant refrain in King's ideology after the 1790s as well. On the front and back covers of several of his notebooks, King quickly jotted down items that struck his eye. The spaces were clearly an accessible space for miscellaneous material that mattered to him while reading. One batch of quotes from the late 1810s, in particular, summarizes his thinking about the masses and their ability to rule the nation. Quoting Bishop John Tillotson, King noted, "The Zealots of all Parties have a scurvy Trick of lying for

the Truth."[114] Ironically, this passage comes from a sermon "Against Speaking Evil," but King appropriated the passage to critique the opposing political faction at a time when Republicans were appropriating Federalist policies during the Era of Good Feelings. Continuing his anger toward outsiders, in the same space King copied several passages about the Parthians from the Roman historian Florus. The Parthian Empire was the bugbear of the Roman Empire during the Augustan age and King seems to be equating these enemies of Rome with the immigrants who supported the Republican Party. King copied "☞ De Parthis non de nobis" or "'about the Parthians, not about us." Below this King wrote "Ingenia genti tumida, seditiosa, fraudulena, procacia," or "the race has a swollen, seditious, fraudulent, insolent character." The passage continues to lambast the Parthians for their restlessness and political uprisings and King copied, "Fides dicti promissique nulla, nisi quatenus expedit, or "There is no faith of word or promise, except to the extent that it is expedient."[115] In effect, King feared that outsiders were infecting the body politic like a virus, killing off the truth and honesty necessary for the American government to thrive.

At the back inside cover of another commonplace book, King recorded similar thoughts from his reading of Jean-François Marmontel's *Contes moraux* [moral tales]. Marmontel was a second-tier philosophe, historian, witty critic, and *Encyclopédie* contributor active during the reigns of Louis XV and Louis XVI through the beginning of the French Revolution. He wrote many moral stories over a thirty-year period for the official state journal *Le Mercure,* including "Les Incas," which King approvingly read. Marmontel wrote "Les Incas" in response to Roman Catholic Church criticism for his previous writings on religious toleration. Citing the Black Legend, Marmontel told the story of Spanish perfidy in Peru as a cautionary tale of religious fanaticism gone awry. The religious zealotry of the conquistadors led them to commit extreme

acts they might not have otherwise perpetuated. King agreed with the sentiments of Marmontel and despised what he saw as the irrational extremes of the masses, which included a large number of recent immigrants, and their demagogic manipulators, the Republicans. In his commonplace book, King copied a footnote that that he translated from the French original, which expressed his disdain that "☞ 'Fanaticism is the Frenzy of Zeal, superstition the Delirium of Piety[.] one is the Disease of strong minds, the other of weak ones, both outrage Religion, one by its Furies, the other by its fears.'"[116] King understood religion as something that should smooth over passions and promote peace. Unthinking actions on the part of extremists would lead to violence and destroy the delicate balance of the organic society that King felt was necessary for keeping the nation in a position of increasing strength.

Conclusion

King's reading of Sallust's "First Epistle to Caesar" sums up what King thought Federalists offered the nation. Sallust described the battles between the wealthy patricians and the common plebes to Caesar, and related how, over time, the commoners gained ground, much like citizens gained ground after the Revolution in America. King linked his belief in elite leaderships to Sallust's concerns over the rising status of the people. Sallust reported that

> in those days the reason why the commons enjoyed freedom was because no man's power was superior to the laws, and because the noble surpassed the commoner, not in riches or ostentation, but in good repute and valiant deeds; while the humblest citizen lacked nothing for which he could honourably wish either in the fields or in military service, but was sufficient for himself and for his country.[117]

By marking off this passage, King suggested that the Federalists were virtuous leaders who worked to support the common good. The two groups, the people and the natural leaders, could live in harmony if they had a balanced society and system of government. Sallust also praised

Caesar for personally being a virtuous leader, claiming, "your spirit was always greater in adversity than in prosperity. But that is made more manifest by the rest of the world, because men are sooner wearied in praising and admiring your munificence than you are in doing deeds worthy of praise."[118] King identified with the strength of Caesar that Sallust commends.

But Caesar was not the perfect example of a leader in King's mind. He was decisive and strong, but those attributes were not controlled and led to the downfall of the Roman Republic. His political imaginary could accommodate the strength of Caesar, but it also required the mild justice that King referenced in his bookplate, the mastery of emotion, and the moral concern for the commonweal that were central to his political identity. The best leaders were well informed in his mind and constantly vigilant of demagogues, violence, and tyranny. This became part of his Federalist political imaginary through his schooling and reading of philosophical and historical texts, like those of Thucydides, David Hume, and Mary Wollstonecraft. His books and reading notes were a place where King's anxieties, fears and concerns were managed and moral politics assured.

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[1] Robert Ernst, *Rufus King: American Federalist* (Chapel Hill: The University of North Carolina Press, 1968).
[2] RK Papers, Box 19, Folder 1, N-YHS. This is a folder of scrap notes from RK's service at the New York State Constitutional Convention. The note was made while RK was rereading John Adams' *Defence of the Constitutions*. See RK's copy of John Adams, *A Defence of the Constitutions of Government of the United States of America*, 3 vols. (London: Printed for C. Dilly, 1787-1788).
[3] Irma B. Jaffe, *Trumbull: The Declaration of Independence* (New York: The Viking Press, 1976), 63.
[4] Louis Montose defines the political imaginary as "the collective repertoire of representational forms and figures—mythological, rhetorical, narrative, iconic—in which the beliefs and practices of Tudor political culture were pervasively articulated. With widely varying degrees of conscious and deliberate fashioning, complexity, and skill, countless Elizabethan subjects worked and reworked such forms and figures when they sought to formulate their experience, understanding, or judgment of the relations of power in their society." Montose, "Spencer and the Elizabethean Political Imaginary," *English Literary History*, 69 (Winter 2002): 907-908; Jason Frank says, "bundled images, stories, and legends compose the political imaginary that both contests and makes 'possible common practices & a widely shared sense of legitimacy.'" Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC: Duke University Press, 2010), 243. Frank borrowed the last part of his definition from Charles Taylor, *The Secular Age* (Cambridge, MA: The Belknap Press of Harvard University Press, 2007), 172; Shaya Gregory described the concept as, "the storehouse of words, images, and stories that shape social and political action, the what-goes-without-saying upon which social and political identities are forged." Gregory, "How to Make an Anarchist-Terrorist: An Essay on the Political Imaginary in Fin-de-Siècle France," *Journal Of Social History* 44 (Winter 2010): 522.

[5] David Owen, "'Postmodern' Political Sociology," in *The Blackwell Companion to Political Sociology*, eds. Kate Nash and Alan Scott (Malden, MA: Blackwell, 2001), 78.
[6] This approach is useful for capturing the mindset of an individual. For an understanding of collective attitudes, see the works of the history of *mentalité*. Harlow Sheidley has said "I am primarily concerned with a belief system or a way of looking at the world—a *mentalité*—and how it shaped the elite's cultural and political endeavors as well as how that *mentalité* was in turn affected by the numerous social, political, economic, and ideological transformations that the nation underwent in the first third of the nineteenth century." Sheidley, *Sectional Nationalism: Massachusetts Conservative Leaders and the Transformation of America, 1815-1836* (Boston: Northeastern University Press, 1998), xiii.
[7] RK to unknown, no date, *LCRK*, Vol. 5, 529. This comment is found in a letter RK wrote to vindicate his decision to deny the leaders of the Irish rebellion of 1798 entry into the United States.
[8] RK wrote to Christopher Gore that "[y]ou and I cannot alter certain opinions which we entertain and wh. are confirmed by experience, as well as by those authorities which our education and habits enable us to consult." RK to Gore, 1 November 1803, *LCRK*, Vol. 4, 323. Almost two decades later, RK wrote to Gore that , "[o]ne every day becomes more and more confirmed in the fact, that education and early habits have more influence on our opinions than the reflections and examinations of mature life." RK to Gore, 21 September 1821, *LCRK*, Vol. 6, 413.
[9] King saw some Federalists as second tier. For example, he noted that Richard Potts, a Senator from Maryland from 1793-1796, was not good enough to be Secretary of State. In a letter to George Washington, Alexander Hamilton reported that, "I have conferred with Mr. King with respect to Mr. Potts; we both think well of his principles and consider him as a man of good sense. But he is of a cast of character ill suited to such an appointment, and is not *extensive* either as to habits or information." Hamilton to Washington, *LCRK*, Vol. 2, 28. In a letter to Christopher Gore, RK mocked the newly elected Senator Harrison Gray Otis, when RK noted "[h]e lacks both manner, I mean decision of character, and matter likewise, being as I conjecture ill furnished with the knowledge necessary for distinction in the Senate." RK to Gore, 26 April 1818, *LCRK*, Vol. 6, 148.
[10] Conrad Edick Wright, *Revolutionary Generation: Harvard Men and the Consequences of Independence* (Amherst: University of Massachusetts Press, 2005), 14-15; E. Jennifer Monaghan, "Literacy Instruction and Gender in Colonial New England," in *Reading in America: Literature and Social History*, ed. Cathy N. Davidson (Baltimore: Johns Hopkins University Press, 1989), 54-58.
[11] For information on RK's early life see Ernst, *Rufus King*, 3-13; James Gore King V, "Rufus King: Young Statesman of Massachusetts, 1755-1789," Vol. 1 (PhD diss., Harvard University 1960), 1-23; Quote from typed copy of the manuscript of Dorcas King Leland, "Sketch of my Grandmother King," 14 January 1848, Erving-King Papers, Box 23, Folder K48, N-YHS.
[12] On Richard King see James S. Leamon, *Revolution Downeast: The War for American Independence in Maine* (Amherst: University of Massachusetts Press, 1993), 43-44; James S. Leamon, "The Stamp Act Crisis in Maine: The Case of Scarborough," *Maine Historical Society Newsletter* 11 (Fall 1971): 74-93.
[13] For Richard King's book list, see An Inventory of the Estate of Richard King, late of Scarborough in the County of Cumberland, 13 June 1775, RK Papers, Box 24, Document 6, N-YHS.
[14] Richard King Day Books, 1758-1759 and 1766-1768, Massachusetts Historical Society, Boston. The notation for the purchase of the books for RK, which cost five shillings and six pence, can be found at the entry dated 17 September 1766.
[15] On Eaton see Clifford K. Shipton, *Sibley's Harvard Graduates, Vol. 15, 1761-1763* (Boston: Massachusetts Historical Society, 1970), 382-386.
[16] On Latin's role in education and culture see Anthony Grafton, "The Universal Language: Splendors and Sorrows of Latin in the Modern World," in *Worlds Made by Words: Scholarship and Community in the Modern West* (Cambridge, MA: Harvard University Press, 2009), 137-159, esp. 152-159; Caroline Winterer, *The Mirror of Antiquity: American Women and the Classical Tradition, 1750-1900* (Ithaca, NY: Cornell University Press, 2007), 13; Caroline Winterer, *The Culture of Classicism: Ancient Greece and Rome in American Intellectual Life, 1780-1910* (Baltimore: Johns Hopkins University Press, 2004), 1-30; Françoise Waquet, *Latin: Or, the Empire of the Sign,* trans. John Howe (New York: Verso, 2001), 22-38, 176-176-189, 214-215; Proof of RK's Latin proficiency can be found in a letter by William Vans Murray, a Federalist politician from Maryland and an American diplomat, who quoted a line of the *Aenied* in a letter to RK and said, "by the bye this line of Virgil reminds me of your Latinity of which I hear from The Marquis, Sabatilli D'Albani, Knight of the holy Sepulcher & Jerusalem." Vans Murray to RK, 25 September 1798, RK Papers, Box 5, Henry E. Huntington Library, San Marino, CA.

[17] On Moody see Clifford K. Shipton, *Sibley's Harvard Graduates, Vol. 12, 1746-1750* (Boston: Massachusetts Historical Society, 1962), 48-54; James Duncan Philips, "Harvard College and Governor Dummer's School," *Proceedings of the Massachusetts Historical Society*, 69 (October 1947-May 1950): 194-206.
[18] "The Laws of Harvard College [1767]" *Publications of the Colonial Society of Massachusetts* 31 (1935): 347. Samuel Eliot Morison noted that the laws of 1734 gave admission requirements as, "read construe and parse Tully, Virgil, or Such like common Latin Authors; and to write true Latin in Prose, and to be Skill'd in making Latin verse, or at Least in the rules of Prosodia; and to read, construe and parse ordinary Greek, as in the New Testament, Isocrates, or such like, and decline the Paradigms of Greek Nouns and Verbs." Morison, *Three Centuries of Harvard, 1636-1936* (Cambridge, MA: Belknap Press of the Harvard University Press, 1965), 103.
[19] Wright, *Revolutionary Generation,* 31.
[20] Waquet, *Latin*, 179.
[21] Moody's only publication was an obscure religious pamphlet written in dense prose. See Samuel Moody, *An Attempt to Point out the Fatal and Pernicious Consequences of the Rev. Mr. Joseph Bellamy's Doctrines, Respecting Moral Evil* (Boston: Printed and Sold by Edes and Gill, 1759).
[22] Nehemiah Cleaveland, *The First Century of Dummer Academy. A Historical Discourse, Delivered at Newbury, Byfield Parish, August 12, 1863* (Boston: Nichols & Noyes, 1865), 25.
[23] Sheldon Cohen, "Harvard College on the Eve of the Revolution," *Publications of the Colonial Society of Massachusetts* 59 (1982): 175-176.
[24] Carl J. Richard, *The Founders and the Classics: Greece, Rome and the American Enlightenment* (Cambridge, MA: Harvard University Press, 1994), 30, 32, 39, 51-55, and 83-85.
[25] On Harvard College's eighteenth-century curriculum Thomas Jay Siegel, "Governance and Curriculum at Harvard College in the 18th Century" (PhD diss., Harvard University, 1990), 279-298, 356-357, 369, 391, 413-414, 447-463; David W. Robson, *Educating Republicans: The College in the Era of the American Revolution, 1750-1800* (Westport, CT: Greenwood Press, 1985), 77-83.
[26] Harvard Library Charging Records, 1762-1800, Reel 1 1762-1781, Harvard University Archives, Pusey Library, Cambridge, MA. For a brief discussion of the books RK checked out of the Harvard College library see King V, "Rufus King," Vol. 1, 61-62. On the Harvard College library in the 1770s see W.H. Bond and Hugh Amory, eds., *The Printed Catalogues of the Harvard College Library, 1723-1790* (Boston: The Colonial Society of Massachusetts, 1996); Mark Olsen and Louis-Georges Harvey, "Reading in Revolutionary Times: Book Borrowing from the Harvard College Library," *Harvard Library Bulletin* 3 (Fall 1993): 57-72; Siegel, "Governance and Curriculum," 321-322; Joe W. Kraus, "The Harvard Undergraduate Library of 1773," *College and Research Libraries* 22 (1961): 247-252; Keyes D. Metcalf, "The Undergraduate and the Harvard Library, 1765-1877," *The Harvard Library Bulletin* 1 (1947): 29-31. The books RK owned while he attended Harvard are John Locke, *An Essay Concerning Human Understanding,* 2 vols. (London: Printed for H. Woodfall, 1768). RK wrote, "Rufus King's 1774" at the title page, "RufKing's" at the front pastedown, and "Ex Lib:^{s}. R: King 1774" at the front flyleaf. The Locke volumes have extensive markings throughout, including x's, chevrons, vertical marginal lines, and underlining; Andrew Oliver, Jr ., *An Essay on Comets, in Two Parts* (Salem, MA: Printed and sold by Samuel Hall, 1772). RK wrote, "R. King's / Feb.^{y} 1775 –" on the front flyleaf; Jonathan Swift, *Letters to and From Dr. Jonathan Swift, &c. From the Year 1714 to 1737* (London, 1741). RK wrote, "E^{x} Lib^{s}: Ruf. Kings / 1775 –" on the front flyleaf; Basil Kennett*, Romæ Antiquæ Notitia: or, the Antiquities of Rome* (London: Printed for T. and R. Tonson, 1763). At the front pastedown, RK wrote, "Ruf King's 1776," and struck out the name "Joshua Coit," a friend of RK's who graduated from Harvard in 1776. They later served in Congress together.
[27] For a short discussion on RK and the Harvard Speaking Club see King V, "Rufus King," Vol. 1, 56-57. Also see Albert Goodhue, Jr., "The Reading of Harvard Students, 1770-1781, as Shown by the Records of the Speaking Club," *Essex Institute Historical Collections* 73 (April 1937): 107-129.
[28] On Parsons see, Michael H. Hoeflich, "Theophilus Parsons and the Culture of Practical Virtue," in *The History of the Law in Massachusetts: The Supreme Judicial Court 1692-1992*, ed. Russell K. Osgood (Boston: Supreme Judicial Court Historical Society, 1992), 117-125; Clifford K. Shipton, *Sibley's Harvard Graduates, Vol. 17, 1768-1777* (Boston: Massachusetts Historical Society, 1975), 190-207; Theophilus Parsons, Jr., *Memoir of Theophilus Parsons*, *Chief Justice of the Supreme Judicial Court of Massachusetts. With Notices of Some of His Contemporaries* (Boston, Ticknor and Fields, 1859). For Parsons's first office see *Essex Journal*, 28 June 1776. The advertisement notes, "[a]n Attorney's Office is opened in the house of Mr. MOSES BROWN, being the second Dwelling House above the Town House in this town." For the location of the Moses Brown house in Newburyport, see the map in Benjamin W. Labaree, *Patriots & Partisans: The Merchants of Newburyport 1764-1815* (New York: W.W. Norton, 1975), unnumbered pages but between 36-37.

[29] RK to Robert Southgate, 24 August 1777, King Family Papers, Box 1750-1819, Folder 1777, N-YHS.
[30] RK to Southgate, 21 August 1777, King Family Papers, Box 1750-1819, Folder 1777, N-YHS.
[31] Parsons, Jr., *Memoir of Theophilus Parsons*, 137; *Catalogue of the Library of the Hon. Theophilus Parsons To Be Sold by Auction March 1st. 1814, at the Store of Francis Amory, No. 41, Marlboro' Street* (Boston, 1814). The listing of law books can be found on pages 17-23. The library contained 294 law titles in 575 volumes, most of which were published before 1777.
[32] Parsons, Jr., *Memoir of Theophilus Parsons*, 137-138, quote on 137.
[33] Daniel R. Coquillette, "The Legal Education of a Patriot: Josiah Quincy Jr.'s Law Commonplace (1763)," *Arizona State Law Journal* 39 (Summer 2007): 317-376.
[34] Parsons, Jr., *Memoir of Theophilus Parsons*, 137.
[35] RK copy of Samuel Pufendorf, *An Introduction to the History of the Principal Kingdoms and States of Europe* (London: Printed for J. Peele, 1719).
[36] Charles W. March, *Reminiscences of Congress* (New York: Baker and Scribner, 1850), 20-21, quote on 21. This story is also told at Ernst, *Rufus King*, 285. This is a reference to Francesco Rocco's *De navibus et naulo* (Concerning Ships and Cargo) first published in 1665.
[37] John Trumbull, *Autobiography, Reminiscences and Letters of John Trumbull from 1756-1841* (New Haven, CT: B.L. Hamlen, 1841), 50.
[38] RK to Southgate, 2 September 1783, King Family Papers, Folder 1780-1785, N-YHS.
[39] Nineteen titles formerly owned by Otis were found among the books in RK's library at N-YHS. RK acquired at least one of those titles when Otis was alive in 1782. Otis was a trustee to Harvard when RK attended. RK would have known Samuel Allyne Otis, James Otis' younger brother, when he lived and worked in Newburyport, Massachusetts. The book he bought from Otis while alive was *Corpus Juris Civilis Quo Jus Universum Justinianeum Comprehenditur*, ed. Denis Godefroy, 2 vols. (Paris: Ex typographia Antonii Vitray, 1628). On the front pastedown of the first volume, RK struck out James Otis's signature and wrote "Rufus King's" and below his signature "1782." Similar marks of ownership were made on the title page of volume two.
[40] RK noted, "[t]he list of Law Books which you sent me I have put into the hands of Mr Isaac Riley, with a Request that he would ascertain whether the Books could be all obtained, and at what Prices. I shall soon receive his answer." RK to Edward King, 18 June 1816, King Family Papers, Vol. 1, Cincinnati Historical Society. Nearly three months later, RK told Edward that, [d]uring the last winter after receiving your Catalogue of Law Books, which I thought a little meager, I desired Mr. Mason of the Senate to make out such a List as were he in your Place he wd. like to receive – he did so, and I have taken a good Deal of Pains, & with much success, to collect the Books; they are now chiefly obtained … they will cost from 800 to 1000 dols." RK to Edward King, 1 September 1816, Sarah Worthington King Peter Manuscript Collection, Ross County Historical Society, Chillicothe, OH.
[41] The "Catalogue of Law Bks bought for EK Sep. 1816" can be found on the verso of RK to Edward King, 6 September 1816, King Family Papers, Vol. 1, Cincinnati Historical Society.
[42] RK to Edward King, 6 September 1816, King Family Papers, Vol. 1, Cincinnati Historical Society.
[43] RK copy of Thomas Edward Ritchie, *An Account of the Life and Writings of David Hume, Esq.* (London: Printed for T. Cadell, 1807). In addition to the comment about learned men at the back pastedown, RK also wrote "286 Letter to D^{r} Robertson on his hist^{y} Ch. Mag^{n}." and "298 D^{r} Blair was at Humes dying dinner."
[44] Ibid., 262.
[45] RK to Christopher Gore, 7 December 1803, RK Papers, Box 9, Folder 6, N-YHS.
[46] RK's copy of Vicesimus Knox, *Liberal Education: or, a Practical Treatise on the Methods of Acquiring Useful and Polite Learning*, Vol. 1 (London, Charles Dilly, 1795), quote marked off with a vertical pencil line on page 77.
[47] For references to Samuel Johnson see RK Papers, Box 27, Folder 6, N-YHS; For Gibbon see RK Papers, Vol. 75 and 102, N-YHS; For Bacon see RK Papers, Box 27, Folder 8, N-YHS; For Cicero see RK Papers, Vol. 102, N-YHS; For Sallust see RK Papers, Vol. 102, N-YHS; For law of nations material see RK Papers, Vol. 77, N-YHS; For law of nature material see RK Papers, Vol. 101, N-YHS. RK owned books by each of the authors mentioned, see RK Papers, Vol. 74, N-YHS.
[48] RK owned very few novels at his death and never mentioned one in his correspondence after the 1780s. RK told Benjamin West, "[l]ittle acquainted with the arts as I am…" in RK to Benjamin West, 9 June 1800, *LCRK*, Vol. 3, 254.
[49] [Theophilus Parsons], *Result of the Convention of Delegates Holden at Ipswich in the County of Essex, Who Were Deputed to Take into Consideration the Constitution and Form of Government, Proposed by the Convention of the State of Massachusetts-Bay* (Newbury-Port, MA: Printed and Sold by John Mycall, 1778), 10. Contemporary portrayals of King mirror this description of the ideal statesman from Parsons' work. For example an anonymous

writer said John Jay and RK are "learned in the rights of nature, nations, and civil society, &c. &c." *New York Daily Advertiser*, 13 December 1793. Also see William Coleman's description of RK at *LCRK,* Vol. 5, 504-5 and British traveller William Faux's description at *LCRK*, Vol. 6, 183-184.

[50] RK was a moderate Federalist who condemned the more strident wing of his party that spoke of New England secession in 1804. He was also critical of the Hartford Convention of 1815.

[51] Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: the University of North Carolina Press, 2006), 4-5; Sean Wilentz, *The Rise of America Democracy: Jefferson to Lincoln* (New York: W.W. Norton, 2005), 163; Sean Wilentz, "Jeffersonian Democracy and the Origins of Political Antislavery in the United States: The Missouri Crisis Revisited," *The Journal of the Historical* Society, 4 (Fall 2004): 375-401; Arthur Scherr, "'Sambos' and 'Black Cutthroats': Peter Porcupine on Slavery and Race in the 1790s," *American Periodicals* 13 (2003): 3-30; John Kyle Day, "The Federalist Press and Slavery in the Age of Jefferson, *Historian* 65 (Fall 2003), 1301-1329; Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 28-36; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 1997), 252-256.

[52] Rachel Hope Cleves, "'Hurtful to the State': The Political Morality of Federalist Antislavery," in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, eds. John Craig Hammond and Matthew Mason (Charlottesville: University of Virginia Press, 2011), 207-226; Matthew Mason, "Federalists, Abolitionists, and the Problem of Influence," *American Nineteenth Century History* 10 (March 2009): 1-27; Rachel Hope Cleves, *The Reign of Terror in America: Visions of Violence from Anti-Jacobinism to Antislavery* (New York: Cambridge University Press, 2009); Catherine O'Donnell Kaplan, *Men of Letters in the Early Republic: Cultivating Forums of Citizenship* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 2008); Albrecht Koschnik, *"Let a Common Interest Bind Us Together": Associations, Partisanship, and Culture in Philadelphia, 1775-1840* (Charlottesville: University of Virginia Press, 2007); Bryan Waterman, *Republic of Intellect" The Friendly Club of New York City and the Making of American Literature* (Baltimore: Johns Hopkins University Press, 2007); Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830* (Chapel Hill: The University of North Carolina Press, 2005), 1-13 and 203-306; Seth Cotlar, "The Federalists' Transatlantic Cultural Offensive of 1798 and the Moderation of American Democratic Discourse," in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, eds. Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill: The University of North Carolina Press, 2004), 274-299; Marshall Foletta, *Coming to Terms with Democracy: Federalist Intellectuals and the Shaping of American Culture* (Charlottesville: University of Virginia Press, 2001); Anne-Marie Taylor, *Young Charles Sumner: And the Legacy of the American Enlightenment, 1811-1851* (Amherst: University of Massachusetts Press, 2001); Doron Ben-Atar and Barbara B. Oberg, eds., *Federalists Reconsidered* (Charlottesville: University Press of Virginia, 1998).

[53] John C. Miller, *The Federalist Era, 1789-1801* (New York: Harper & Row, 1963), 99-100 and 108-123.

[54] Foletta, *Coming to Terms with Democracy*, 4.

[55] Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture* (Amherst: University of Massachusetts Press, 2006).

[56]. RK fought for a strong judiciary at the state constitutional convention of 1821. After this line, RK paraphrased the next section of Adams' thought: "choose yr judges from the wisest men, but set them off from the temptations of their Passions – exclude them from all other officers – thus you will have the Benefit of their wisdom without fear of their Passions – for after all, if we choose some of the great men who will serve as Guard[n]. Angels, allways [sic] doing right, there will be some of the instruments of divine vengeance too – who unless restrained will do evil." RK Papers, Box 19, Folder 1, N-YHS. This can be found under the heading "Judges."

[57] RK Papers, Box 19, Folder 1, N-YHS. The underlining in the passage is RK's. RK could have read this in a variety of periodicals at the time.

[58] Commonplace Notebook, ca. 1819-1820, RK Papers, Vol. 101, N-YHS. In this commonplace book, RK stated, "[w]e may not apply unqualified metaphysical principles to Affairs – Experience not abstraction, ought to be our Guide in practice and in Conduct" – Burke." This can be found at RK copy of Robert Bisset, *The Life of Edmund Burke: Comprehending an Impartial Account of His Literary and Political Efforts, and a Sketch of the Conduct and Character of His Most Eminent Associates, Coadjutors, and Opponents* (London: Printed and published by George Cawthorn, 1798), 284. This volume has no RK interventions.

[59] Commonplace Notebook, ca. 1799-1803, RK Papers, Vol. 102, N-YHS (hereafter cited as Vol. 102). From internal evidence this was probably written around 1800. See chapter three of this dissertation for a detailed

description of this commonplace book. RK copy of Edward Gibbon, *Miscellaneous Works of Edward Gibbon, Esquire. With Memoirs of his Life and Writings, Composed by Himself*, 2 vols. (London: Printed for A. Strahan, and T. Cadell Jun. and W. Davies, 1796). Neither volume has any annotations.

[60] For "croaker" see John Adams to John Marshall, 30 August 1800, *LCRK*, Vol. 3, 543. When his father died, RK wrote, "Men are Social Beings, we depend upon each other almost for Life and every Enjoyment; and this being true, we can never enjoy Happiness uninterrupted; A Brother or a Friend must die[.] Trouble seems interwoven in our very Constitutions, & happiness compleat [sic] appears a Blessing not designed for Man in his feeble mortal State." RK to Samuel Sewell, 25 July 1775, RK Papers, Box 84, Folder 4, N-YHS.

[61] Commonplace Notebook, ca. 1802-1803, RK Papers, Vol. 75, N-YHS, under the heading "Perseverance" (hereafter cited as Vol. 75). RK noted this came from the third volume of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire*, page "345." RK copy Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (London: Printed for A. Strahan and T. Cadell, 1791-1792). These volumes were not found among RK's books at N-YHS. Bibliographic information taken from Inventory of Rufus King Library, 1827, RK Papers, Vol. 74, N-YHS (hereafter cited as Vol. 74). The inventory has an entry marked as "Gibbon" with "12 vols." Also see Catalog of the King Library, ca. 1906, 8 vols., N-YHS Archive, N-YHS (hereafter cited as Catalog of the King Library, ca. 1906). A microfilm copy was consulted at the King Manor Museum, Jamaica, New York. This catalog is not in N-YHS's electronic catalog.

[62] Vol. 75, under a subsequent heading titled "Perseverance." RK extracted this quote from Gibbon's book, but wrote underneath it "See his [D'Alembert's] History of the Expulsion of the Jesuits from France."

[63] Ibid., under the heading "Rulers." RK noted this came from "4 Gib. 34."

[64] This line is from Bacon's *Of Innovations* as quoted in RK, *Speech of the Hon. Rufus King, on the Navigation Act: Delivered in the Senate of the United States at the Last Session of Congress* (New York: Kirk & Mercein, 1818), 11.

[65] Harlow Sheidley makes the argument that New England Federalists wanted to extend their regional version of nationalism to the rest of the nation. It is my argument that King, who was originally from New England, wanted to extend both a New England and Mid-Atlantic version of nationalism to the entire nation. Sheidley, *Sectional Nationalism: Massachusetts Conservative Leaders and the Transformation of America, 1815-1836* (Boston: Northeastern University Press, 1998). Also, Daniel J. Hulsebosch makes the argument for an American empire of law that knew no boundaries. This empire was based on Federalist principles of a commercial union that would in turn be respected in Europe. This vision of the Constitution allowed Federalists to see the document as not just the basis of self-government, but a way to incorporate the union into the world. King was part of that spread of the empire of law. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830* (Chapel Hill: The University of North Carolina Press, 2005), 1-13 and 203-302.

[66] See RK's comment that, "I would, could I do so, without losing a Post, re-write what I have written." RK to Timothy Pickering, 1 December 1808, *LCRK*, Vol. 5, 110; RK to Francis Baring, 12 December 1808, copy or draft, RK Papers, Box 12, Folder 3, N-YHS; RK to Timothy Pickering, 31 January 1809, *LCRK*, Vol. 5, 131; RK told Christopher Gore, "I have written this in much haste, and have not time to revise it." RK to Gore, 11 July 1814, RK Papers, Box 14, Folder 5, N-YHS; RK also told his son Charles King, "I write currente calamo and cannot stop to revise—you have a mere careless effusion." RK to Charles King, 5 April 1818, *LCRK*, Vol. 6, 139; In 1823, RK told Gore, "I write to you as I shd. talk: and cannot go back to read or correct what is sincerely written." RK to Gore, 9 February 1823, *LCRK*, Vol. 6, 501; RK also took notes for an 1802 travel journal, planning out what he was going to write. See RK's jottings on verso of Peter Munro to RK, 13 August 1802, Rufus King Domestic Letter Book 1799-1803, Erving King Papers, Box 24, Folder K53, N-YHS.

[67] Vol. 102. I thank Dr. K.F.B. Fletcher of Louisiana State University for the translation.

[68] RK copy of Gibbon, *Miscellaneous Works of Edward Gibbon, Esquire,* 2 vols. Neither volume has any annotations.

[69] When his youngest Frederick was in college, RK wrote and hoped he would like "the little vol. of Gen[l]. W- Life – when you have done with it, lend it to Aunt Gore, who will likewise be pleased with it." RK to Frederick Gore King, 15 February 1818, RK Papers to His Son Frederic, Morgan Library, New York.

[70] Richard Hofstadter, *The Idea of a Party System The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969), 22; RK told his friend Robert Troup thats, "the authority of his [George Washington's] Character was a steadying power in our System, of the force and influence of wh. we were ignorant during his Life." RK to Troup, 1 February 1800, King Family Papers, Box 1, Folder 1800, N-YHS.

[71] Quotes from scrap notes at RK Papers, Box 27, Folder 6, N-YHS. This is from RK's copy of George Chalmers, *Political Annals of the Present United Colonies, from their Settlement to the Peace of 1763: Compiled Chiefly from*

Records, and Authorised often by the Insertion of State-Papers. (London: Printed for the Author, 1780), 29. RK did not make any annotations on this page, although he did mark pages 49, 177, 257, 486, 514, 516, 546, 678-679, 682-683, 686, 689. On RK and Andrew Jackson see Ernst, *Rufus King,* 365-366.

[72] Vol. 102. The underlining is RK's. There is no English edition of Homer's *Illiad* in Vol. 74. There is an RK a copy in French listed at Catalog of the King Library, ca. 1906. Homer, *L'Iliade*, 2 vols. (Paris: 1764). Also see RK's copies of Marcus Tullius Cicero, *The Orations of Marcus Tullius Cicero*, trans. William Guthrie, 3 vols. (London: Printed for T. Whieldon, 1778); Marcus Tullius Cicero, *M. Tulli Ciceronis Opera*, 14 vol. (Paris: Saillant, Desain, Barbou, 1768); Marcus Tullius Cicero, *Oeuvres*, 24 vols. (Paris, 1783-1796). RK regarded dueling "as ferocious, barbarous and savage, repugnant to any code of honor, where the thirst for blood or the malignant purpose of destroying the life of another are the motives, instead of the desire to protect individual honor; and private combat degenerates to assassination, and the malicious purpose should meet the universal indignation of honorable men." RK to Edward King, 12 February 1819, *LCRK*, Vol. 6, 214. King also owned a copy of the anti-dueling book Jean Savaron, *Traité contre les duels* (Paris: Chez Adrian Perier, 1610).

[73] Eliza Gracie Suydam, *A Descendant of Kings: A Memoir Published on Her Eightieth Birthday* (Elizabeth, NJ: 1941), 20-21. Suydam notes that RK had busts of Washington and Hamilton in his library.

[74] RK Papers, Box 27, Folder 5, N-YHS. The scrap note is in Latin: "Mors terribilis est iis, quoram cum vitâ omnia extinguuntur, non iis quorum laus emori non potest – Te miseriæ, to ærumnæ premunt; tuæ Libidines te torquent; tu dies noctesque cruciaris; te conscientiæ stimulant maleficiorum tourum; te metus examinant judiciorum atque Legum; Quocumque adspicis, ut furiæ, sic tuæ tibi occurent injuriæ, quæte respirare non sinunt." I thank Dr. K.F.B. Fletcher of Louisiana State University for the translation.

[75] For RK's ownership of the works of Cicero see note 72 above.

[76] William Coleman, "W. Coleman's Sketch of Rufus King," 1816, *LCRK*, Vol. 5, 504.

[77]Notebook, Rufus King Memoranda and Reflections about Contemporary People and Events, 1796-1802, RK Papers, Vol. 73, N-YHS. This anecdote can be found under the heading "Devaynes Wife" in a brief, unpaginated section at the beginning of the volume before King's 1796-1802 diary starts. William Devaynes was a Member of Parliament from Barnstaple from 1802-1806.

[78] RK had a "7 vol." copy of "Oeuvres Complete Senaque," according to Vol. 74. The Catalog of the King Library, ca. 1906, notes it as *Les oeuvres de Sineque le philosopher*, 7 vols. (Paris, 1778-1779).

[79] All quotes from RK Papers, Box 27, Folder 6, N-YHS. RK's strikeouts are omitted.

[80] RK to Daniel Kilham, 8 December 1785, *LCRK*, Vol. 2, 609.

[81] William Sullivan noted, "[i]t is a rare occurrence to see a finer assemblage of personal and intellectual qualities cultivated to the best effect than were seen in this gentleman. . . . Among his superior advantages was an accurate knowledge of dates and facts of most essential service to the Senate." See *LCRK*, Vol. 6, 679. This was originally published in John T.S. Sullivan, *The Public Men of the Revolution* (Philadelphia: Published by Carey and Hart, 1847), 59.

[82] *LCRK*, Vol. 1, 125-126. Charles R. King noted that this was related in a manuscript by his uncle Charles King. RK's preparation throughout his life was comprehensive. RK told his son, "make yourself master of the case, and of the Law (including the reason of it), applicable to your case; and you will always be superior to your opponent, whatever may be his Genius or Talents, or Eloquence, who relying on their Resources, omits to obtain that particular knowledge wh[ich], you may have obtained[.]" RK to Edward King, 21 April 1818, King Mss., Lilly Library, Indiana University, Bloomington.

[83] The notes for the speech against Gallatin in 1794 can be found at RK Papers, Box 5, Folder 1, N-YHS. His speech notes on the Bank of the United States in 1814 can be found at RK Papers, Box 14, Folder 1, N-YHS. The Missouri Controversy speech notes can be found at RK Papers, Box 81, Folders 1 and 6, N-YHS.

[84] "Extract of a letter from a gentleman in Washington, to his friend in this City," *Richmond Enquirer*, 17 February 1820.

[85] RK Papers, Box 27, Folder 6, N-YHS. RK owned a copy of James Boswell, *The Life of Samuel Johnson*, 4 vols. (London: printed by H. Baldwin and Son, for Charles Dilly, 1799). These volumes are listed at Catalog of the King Library, ca. 1906, but could not be found at N-YHS. Also see RK copy of Boswell, *The Journal of a Tour of the Hebrides, with Samuel Johnson, LL.D.* (London: Printed by Henry Baldwin, for Charles Dilly, 1785). This volume has an extensive manuscript index in RK's hand at the back flyleaf and pastedown.

[86] RK to Jeremiah Mason, 2 November 1815, *LCRK,* Vol. 5, 491.

[87] On the hatred the New York Irish felt for RK, especially during his campaign for a state assembly seat in 1807, see Steven C. Smith, "'The Art of Printing Shall Endure': Journalism, Community, and Identity in New York City, 1800-1810" (master's thesis, University of Missouri-Columbia, 2007), 106-123.

[88] RK Papers, N-YHS, Box 27, Folder 8. These sentiments are echoed throughout the Parliamentary speeches of the early nineteenth century. King could have easily gleaned these ideas from newspapers he was reading or in compilations of Parliamentary speeches he owned.
[89] RK copy of Mary Wollstonecraft, *An Historical and Moral View of the Origin and Progress of the French Revolution; and the Effect it has Produced in Europe* (London: Printed for J. Johnson, 1794), marginalia at 259. After the word "continued" there was text loss from the trimmed edges, but words "…action instead of a" are still extent. It should be noted that Enlightenment thinking stressed reason, but did not reject emotion, feeling, or passion, which were natural faculties. But they had to be controlled. See RK's comment to his son Frederick Gore King, "virtue consists in the overcoming of infirmity and in victory over the seductions of passion – act with perseverance & Decision, consulting the monitor within." RK to Frederick Gore King, 30 April 1820, RK Papers to His Son Frederic, Morgan Library, New York.
[90] RK's notes on Samuel Johnson in RK Papers, Box 27, Folder 6, N-YHS, under the heading "Conscience."
[91] Roger Chartier, *Inscription and Erasure: Literature and Written Culture from the Eleventh to the Eighteenth Century*, trans. Arthur Goldhammer (Philadelphia: University of Pennsylvania Press, 2007), 121. Chartier notes that people in the eighteenth century praised the classics for the manner in which they managed to dramatize moral lessons.
[92] RK to Frederick Gore King, 14 January 1817, RK Papers to His Son Frederic, Morgan Library, New York.
[93] Jacob Soll, *Publishing* the Prince*: History, Reading, and the Birth of Political Criticism* (Ann Arbor: University of Michigan Press, 2005).
[94] RK copy of David Hume, *The History of England, From the Invasion of Julius Cæsar to the Revolution in 1688*, 8 vols. (London: Printed for T. Cadell, 1796).
[95] RK Papers, N-YHS, Box 27, Folder 8. RK noted this came from "Hume 6. 189." An RK note from 1821 states, "[n]either Purity of private character, nor Greatness of Genius was always a Guarantee for the Propriety of public Conduct – of this Truth a memorable Instance was afforded by the celebrated Lord-Bacon – who pushed the bounds of Science further than any man who had lived before or since his Time – though 'the wisest and brightest, he was also the meanest, of Mankind' – against him Corruption was charged & proved." The words "the wisest and brightest, he was also the meanest, of Mankind," is RK's transcription of a line from Alexander Pope's *Essay on Man*. RK Papers, Box 19, Folder 1, N-YHS.
[96] King Family Papers, Box 1, Folder 1803, N-YHS. Inventories of RK's property for 1809 and 1815 can be found on the same sheet. The docket can be found on the side that contains the 1815 inventory. This document is misfiled in the 1803 folder.
[97] Joanne Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven, CT: Yale University Press, 2001); Stanley Elkins and Eric McKitrick, *The Age of Federalism: The Early American Republic, 1788-1800* (New York: Oxford University Press, 1993).
[98] RK's copy of Charles Jenkinson, *A Discourse on the Conduct of the Government of Great Britain, in Respect to Neutral Nations* (London: Printed for T. Cadell, Jun. and W. Davies, 1801), xlvii.
[99] RK's copy of Jacques Mallet Du Pan's *Considerations on the Nature of the French Revolution; and on the Causes which Prolong its Duration* (London: Printed for J. Owen, 1793), marginalia at 41 and 52. Underlining is RK's.
[100] For an overview of Hume's history see Nicholas Phillipson, *David Hume: The Philosopher as Historian* (New York: Penguin, 2011). For Hume's reception in Great Britain see Mark Towsey, *Reading the Scottish Enlightenment: Books and Their Readers in Provincial Scotland, 1750-1820* (Leiden: Brill, 2010), 262-292; Mark Towsey, "'Philosophically Playing the Devil': Recovering Readers' Responses to David Hume and the Scottish Enlightenment," *Historical Research* 83 (May 2010): 301-320; Mark Towsey, '"Patron of Infidelity": Scottish Readers Respond to David Hume, c. 1750-c.1820," *Book History,* 9 (2008): 89-123.
[101] RK copy of Hume, *The History of England,* Vol. 1, 258. RK made slight errors when he transcribe the passage, which states, "[w]here ambition can be so happy as to cover its enterprises, even to the person himself, under the appearance of principle, it is the most incurable and inflexible of all human passions." In this passage, Hume lambasts William the Conqueror for replacing Stigand as Archbishop of Canterbury with the Milanese monk Lanfranc, who was vigorous in his moves to consolidate power and curry favor with the king and pope; RK seems to have bought his copy of Hume's history at the same time he purchased Tobias Smollett, *The History of England, from the Revolution to the Death of George the Second*, 5 vols. (London: Printed for T. Cadell, 1800). The two books have the same binding.
[102] RK copy of Hume, *The History of England*, Vol. 1, marginal notes and underlining at 330-331. Almost all the annotation is on page 330, as only part of the word "demonstration" is underlined on page 331.

[103] Both quotes from RK, "Essay on Words," undated, *LCRK*, Vol. 5, 96.
[104] RK Papers, N-YHS, Box 27, Folder 7, N-YHS.
[105] RK Papers, Vol. 76, N-YHS, inside front cover.
[106] RK copy of Mary Wollstonecraft, *An Historical and Moral View of the Origin and Progress of the French Revolution; and the Effect it has Produced in Europe* (London: Printed for J. Johnson, 1794). Wollstonecraft planned to write another volume, but she never followed through on this project.
[107] Daniel I. O'Neill, "John Adams Versus Mary Wollstonecraft on the French Revolution and Democracy," *Journal of the History of Ideas* 68 (July 2007): 451-476.
[108] RK's marginalia notebooks and scrap notes abound with references to the disorder of the revolution. In a commonplace book under the heading "French Revolution" RK copied Edward Gibbon's line "I subscribe my assent to M^{r}. Burkes creed on the revolution of france – I admire his Eloquence, I approve his politics, I adore his chivalry; and I can almost excuse his reverence for church Establishments." See Vol. 102. This is from Gibbon's *Memoirs*. See RK's copy of Gibbon, *Miscellaneous Works of Edward Gibbon, Esquire. With Memoirs of his Life and Writings, Composed by Himself*, 2 vols. (London: Printed for A. Strahan, and T. Cadell Jun. and W. Davies, 1796). Neither volume has any annotations.
[109] Wollstonecraft, *An Historical and Moral View*, 224-225. RK wrote more, but the rest of the line is cut off where the page edge was trimmed. He seemed to continue the sentence to the bottom of page 225, but the trimming also cut off all the words except the last one, "succeed."
[110] Ibid., 258-259, "Sophis[m]" is at the margin of page 259.
[111] Ibid., 289-290. On Page 289, RK wrote "This was a day of glorious & noble sacrific[e] which ridicule can never sully – and whic[h] ought to have secured to those who made the[m?] a [text loss from trimming, but part can be made out: "…that they have met with…"]; On page 290 RK wrote "!Fie! M. W. were sacrifices [a?] glorious [sa]crificies –"
[112] RK copy of Thucydides, *The History of the Peloponnesian War, Translated from the Greek of Thucydides*, trans. William Smith, Vol. 1 (London: Printed for T. Evans, 1781). RK's note is at the front flyleaf of vol. 1. This volume has an RK bookplate, which seem to have not been used after 1796.
[113] Ibid., 282-283. RK wrote "#" at the beginning of the massacre scene on 282 and the quoted material can be found on 283.
[114] RK Papers, Vol. 76, N-YHS, inside front cover (hereafter cited as Vol. 76). Internal evidence dates this notebook from after the War of 1812, but probably 1816-1819. There were no Tillotson titles on RK's 1827 inventory. The Catalog of the King Library, ca. 1906, does have an entry for John Tillotson, *Works, Containing Fifth* [sic] *Four Sermons and Discourses* (London, 1714). It is not clear that this was a volume RK owned.
[115] Vol. 76, inside front cover. I thank Dr. K.F.B. Fletcher of the University of Louisiana for his translations of the Latin. There are no entries for Florus in any of the catalogs of the King library.
[116] RK Papers, Vol. 101, N-YHS. The quote can be found on one of the inside covers of the commonplace book. RK started to use one side of the notebook and part way through decided to flip it over and start on the other side. It is unclear what is the front and back cover in this instance. See RK's copy of Jean-François Marmontel, *Contes moraux*, 6 vols. (London, 1793).
[117] RK marked off this passage at his copy of Sallust, *Les Histoires de Salluste* (Paris: Chez Barbou, 1788), 456. The original Latin said "Sed, ubi eos paullatim expulsos agris, inertia, atque inopia incertas domos habere subegit; coepere alienas opes petere, libertatem suam cum republica venalem habere. Ita paullatim populus, qui dominus erat, et cunctis gentibus imperitabat, dilapsus est: et, pro communi imperio, privatim sibi quisque servitutem peperit."
[118] Ibid., 450. RK marked off with both an X and vertical line in the margin, the original Latin that said, "<u>semper titi majorem in adversis quam in secundis rebus animum esse.</u> Sed, per deo immortals, illa res clarior est, quod & priùs defessi sint hominess laudando atque admirando munificentiam tuam, quam tu faciundo quæ gloriâ digna essent."

CHAPTER 2: Rufus King and the Reading of the Law of Nations

"A Government, that, knowing not true wisdom
Is scorn'd abroad, and lives on tricks at home."
- Rufus King scrap note of John Dryden's *The Spanish Friar*.[1]

Rufus King understood the law of nations, what is known as international law today, to be a set of rules and standards that regulated interactions between states.[2] If a state followed these rules, they could achieve legitimacy and recognition as a member of the civilized world of states.[3] King's generation desperately wanted to sustain and strengthen their membership in this civilized group of nations. When a nation lived up to the obligations of legitimate statehood they gained respect and the benefits that went along with it, like credit worthiness, humanitarian treatment in war, and better trade relations.[4] For the most part, this context has been forgotten because America was so successful in its endeavor to be a nation among nations. But the political battles over the law of nations were intense in the early republic and this context needs to be recovered in order to understand them.[5] It explains why King was reading so widely and intensely into these sources.

To begin, the conflicts involving the law of nations generated so much heated debate because they were premised on natural law. That law was the higher law imposed by God that no one could violate and could be understood by everyone through the use of reason. It was universal, eternal, and binding on all. No man-made law could violate the moral premises of the natural law and individuals had to live up to the standards embedded in it. As a collection of individuals, nations also had an obligation to abide by the moral code of the natural law and this was done through the law of nations. If a nation acted outside the rules it was considered odious and beyond the pale of morality – a status all civilized nations attempted to avoid.[6] When early Americans used the law of nations in their political altercations the stakes were high. They were

arguing about nothing less than the moral identity of the nation and this helps explain why the emergence of political parties in the 1790s was so contentious.[7]

The law of nations tradition adopted by early Americans could be divided into several parts depending on what authority one read. The U.S. Supreme Court divided it into three parts: the *general* law that derived from natural law, the *conventional* law that involved written compacts between states, and the *customary* law that depended on interpretations of canonical Continental treatise writers like Hugo Grotius, Samuel Pufendorf, and Emerich de Vattel.[8] Beyond the rules relating to conflicts between states, the law of nations managed maritime law, mercantile law, prize disputes, shipwrecks, infringements of the rights of ambassadors, and piracy.[9] The Revolutionary generation understood the law of nations to be part of the common law, which they accepted as the law of the land after independence.[10] This meant the law of nations was part of the legal fabric of America and that courts had to use it when formulating decisions. This placed morality at the center of the early republic's legal and political traditions.[11]

While the Revolutionary generation thought the law of nations needed to be followed as a virtuous and high-minded code, self-interest was also an important part of their adoption of its maxims. At the very least, a nation had an obligation to defend itself and guarantee it would continue to exist. Since all legitimate sovereignties were equal under the law of nations, weaker nations, like the United States, could point to the mandates of the treaties and treatises and demand the restraints of a rival's *raison d'être*.[12] In theory, formidable states were supposed to moderate their activities in the international realm because they had to uphold their reputation. At the same time, early Americans looked to the law of nations to limit their own self-interest by setting a standard of justice and good faith. King's reading of the law of nations demonstrates

the same tensions between the moral and self-interested aspects of the law, but throughout his career he leaned toward the moral aspect of the code and not its self-interested features.

Getting America into the ranks of the legitimate nations of the earth was of the highest political priority to King. Through his reading, King became one of the foremost experts in the law of nations in early America.[13] At the time of his death, King's library contained one of the largest collections of law of nations materials in the country. Enlightenment era lawyers like King read widely in the law because of the absence of definitive legal texts, law schools, and legal libraries. These circumstances forced King to become a massive private collector of law of nations texts while the paucity of locally produced legal booksellers meant King had to buy used books or import them.[14]

It is not possible to describe King's entire law of nations collection in the space available here, but a brief discussion of the texts in his library will give a sense of its depth and range. Before his diplomatic mission to London 1796-1803, King made constant reference to law of nations figures. In published and unpublished essays, letters, and scrap notes he mentioned Grotius, Pufendorf, and Vattel, the three most important law of nations figures in the early republic. At the time of his death King owned Grotius' *On the Laws of War and Peace* in English, French, and Latin and Pufendorf's *Le droit de la nature et des gens*. In addition, King also had an 1817 edition of Vattel's *The Law of Nations*, which replaced an older copy he sent to his son in Ohio in 1816.[15] He also referred to and owned books by Cornelius van Bynkershoek, Jean-Jacques Burlamaqui, Thomas Rutherforth, Johann Gottlieb Heineccius, among many others.[16] While it is clear King owned some these texts before he went to London, his collection was greatly augmented by access to specialty shops at the center of the English-language publishing world.

While it is not difficult to discover what law of nations sources King read, it is harder to understand why and how he read them. For instance, King, like his early republic contemporaries, turned to the treatise writers because citing them validated his arguments in ways no other source could. The treatises offered guidance toward the best possible moral solutions to a variety of problems, and King would have wanted them to support his interpretations of events.[17] Using them also fulfilled the obligation of civilized states to live up to the higher law.

King also read law of nation texts to move political arguments to an abstract sphere where they could be resolved without violence. As a lawyer, King understood that rapidly changing events introduced new conditions that required resolution with a thorough rereading of accepted authorities. With enough time and energy, moral solutions to unprecedented political problems could be found among elites without having to resort to democratic activities. Elites needed to parse these often-conflicting authorities, which required foreign language skills, and King cited multiple sources anytime serious political debate using them occurred.

Beyond the moral reading of the law of nations, which was King's primary way of looking at these sources, the conflicting accounts also gave King space to argue for self-interested political purposes. Such moral and self-interested reading often mixed, especially while King was in London when the British claimed their stance in the French Revolutionary and Napoleonic Wars required them to ignore the law of nations during a time of extreme emergency.[18] By reading the law of nations and pointing out the inconsistencies of the British, he used the law as one of the few tools he had at his disposal to pursue both moral ends and self-interested goals.

Reading and the Genêt Affair

While King probably read law of nations sources as early as his years at Harvard College, evidence of his first sustained interaction with the Continental treatise writers appears in 1793 during the political debates over the American declaration of neutrality in the French Revolutionary Wars.[19] Americans feared they would be asked to assist France in the war because of a stipulation in the 1778 Treaty of Alliance between the United States and France, which required the U.S. to come to the aid of the French West Indies if they were attacked. The British asserted naval dominance in the West Indies after war broke out between the two nations in February 1793 and questions about America's duty arose. In its neutrality proclamation of April 1793, the George Washington administration decided the 1778 treaty remained valid, but that the U.S. did not have to assist the French.

This policy prompted French Minister Edmond-Charles Genêt to advocate for a benevolent form of neutrality that would give French privateers access to American ports, which increased political tensions in the nation. Citizen Genêt, as he was commonly called, outfitted privateers without permission and attempted to use public sympathy for the French Revolutionary cause to gain political support for his actions. When the administration rebuffed Genêt's overtures, he imprudently threatened to appeal directly to the people in order to achieve his goals. The response by the administration's supporters was vigorous and included a public airing of the episode in newspapers. King, along with John Jay, was implicated in the attacks on Genêt and was even forced to sign his name to an article describing the French diplomat's ultimatum. Genêt threatened to sue the pair for libel, a violation of the law of nations, but the gambit worked and the French minister became politically isolated. Washington asked for Genêt's recall, which the French government granted, although Genêt received asylum after a

change of leadership in Paris would have meant his certain death. Historians most often write about the public intrigue surrounding the Genêt Affair, but an examination of King's reading during this time period demonstrates that the study of politics in early America must encompass the private reading of public actors.[20]

King's reading in this period is important because of his close relationship with Alexander Hamilton, the Secretary of the Treasury, who wanted Washington to declare neutrality in the European conflict. In early April 1793, Washington, probably at the behest of Hamilton, asked the cabinet to respond to a series of questions on the virtues of proclaiming neutrality. Hamilton asked King for his opinions on the matter and King obliged by sending an essay replete with law of nations references that argued the 1778 Franco-American treaty was void because of the outbreak of the French Revolution.[21] If this was the case, King argued, America could avoid its obligations to France if its West Indies possession were attacked. This was the stand Hamilton took during the cabinet debate, although Washington ultimately rejected it.

King had a difficult argument to make. If America was to be a legitimate partner in the European treaty system, how could it avoid fulfilling such an obvious pledge of assistance? It was a moral dilemma that required deep study in the law of nations to overcome.[22] King knew the arguments in favor of the dissolution of the 1778 treaty were weak.[23] Despite this, he attempted to overcome the challenges by turning to canonical writers to buttress his views. In King's writings to Hamilton on the treaty's validity, he cited treaties and a number of other public documents, but marginalia in his books demonstrate he also relied on readings of the works of Jean-Jacques Burlamaqui and Gabriel Bonnot de Mably, the Abbé de Mably. It is clear that King read widely and deeply during his research for Hamilton and that he read as a lawyer trying to find the best interpretation of the sources for a client.

The Swiss jurist Burlamaqui, whose book *The Principles of Natural and Politic Law* was immensely popular in the late eighteenth century, did not produce an original treatise on natural law, but he summarized the work of his predecessors in a graceful style. King owned a two-volume English translation and on the flyleaf of the second volume he wrote "354. 355. Dissolution of Treaties." At this point in the text, Burlamaqui examined, "when a peace may be looked upon as broken." Burlamaqui offered two reasons. If two nations have a treaty with each other and one attacked the other, Burlamaqui stated the treaty was dissolved. Since France had not directly attacked America, this part of Burlamaqui's argument did not concern King. He focused on the second reason, which involved, "a new occasion of war." Burlamaqui defined this as taking, "up arms for a new reason not mentioned in the treaty." By focusing on this, King meant that the current offensive war of the French Revolutionary government voided the 1778 Franco-American treaty, which only required America to assist France in a defensive conflict. While reading the text, King thought of France as the aggressor, "against whom every thing is lawful, he must also certainly dispense with observing the condition of the peace." While King did not want to go to war with France, he was arguing that the new conditions created by the French Revolution gave America the right to dispense with the terms of the original treaty, providing legal cover to avoid helping France. On the next page, King drew a manicule toward the logical conclusion of Burlamaqui's argument, that "treaties of peace are conceived in such a manner, as to include an engagement to live for the future in good friendship, in all respects. We must therefore conclude, that every new act of unjust hostility is an infringement of the peace." King pointed out that France's offensive war destroyed the promise of peaceful friendship between the nations, giving America a loophole to void the treaty.[24]

Abbé de Mably's *Le droit public de l'Europe* (*The Public Law of Europe*), a textbook in European universities, offered King similar support in his rejection of the 1778 treaty. First published in 1746, it drew on Mably's experience as the secretary to the French Minister of State, Cardinal de Tencin, in the early 1740s. The work compiled Europe's most important treaties since 1648 and included Mably's extensive commentary. At the flyleaf of the first volume of King's copy he noted important material on "Disolution des Traites," could be found in Mably's work. At the pages King pointed to, Mably provided material on treaties and their status after the outbreak of a war.[25]

At the point in the text where King was reading, Mably noted it was common knowledge that war dissolves previous treaties, which King was using as evidence that America could avoid its obligations under the 1778 agreement. Mably clearly stated, "<u>because everyone knows that war dissolves preceding treaties, and to restore their power a specific provision is needed</u>."[26] No additional negotiations had restored the treaty, so King argued that it was void. In addition, Mably noted that a peace treaty could be dissolved because of the outbreak of a war, "or one of the Contracting Parties refuses to fulfill its obligation."[27] King referred to the inability of the French to live up to the defensive nature of the treaty of alliance with America. Continuing on the same page, King stressed this point by interceding where Mably states, "[a] Treaty of peace is broken when one party violates an article of it – after which the other party is released from his Engagements, <u>which remain to be executed</u>."[28] Mably helped King assert his conviction that the French violated the treaty through offensive warfare meant to advance their own interests. Once the French began that war, they could not compel the United States to enact any other part of the treaty.

While King read Burlamaqui and Mably, and the administration debated the neutrality proclamation, Citizen Genêt was in Charleston, South Carolina, having landed there due to vagaries of the wind. Instead of traveling north to Philadelphia, he remained in the southern port town and outfitted four privateers to harass British shipping and began to form a militia to attack the British-allied Spanish colonies. He then made his way to the capital, taking nearly a month to travel by land, where he was feted along the way and cheered by grassroots Democratic-Republic societies that expressed support for the French Revolution. Upon his arrival in Philadelphia, Genêt proceeded to offend the diplomatic sensibilities of everyone with power. When Secretary of State Thomas Jefferson quoted law of nations authorities in response, Genêt sneered that he thought little of the "worm-eaten" authors and threatened to go over the head of the president to the people. While bickering with his counterparts in Philadelphia, Genêt outfitted another privateer and after it set sail Washington asked for his recall, sealing the minister's fate. King, who never hid his disdain for Genêt, read deeply into the law of nations to help Hamilton make arguments against the activities of the French privateers cruising off the American coast, threatening the neutrality proclamation.

King went to his books for aid in his argument that the French were capturing British ships in American territorial waters, in effect violating American sovereignty and transforming the situation into a matter of honor for the new nation.[29] King wanted to place American jurisdiction as far out to sea as possible in order to regulate French privateers. He noted that the sixteenth-century Spanish King Philip II claimed his dominion over the sea went as far as sight, "but Grotius[,] Van Bynkershoek[,] Vattel & others deny this claim of the Spanish monarch, and with more reason say that the open sea begins, where the power of arms placed on shore ends;

hence say they the Territorial line of a nation bordering on the sea is a line at the distance of cannon shot from the Shore."[30]

King disagreed, and said "if this is the Law of Nations it must be what is called the customary Law, as distinguished from the Law of nature wh[ich]. prescribes no such arbitrary Rules." King appealed to the higher law to make his point and noted that his desired low water mark boundary, which could extend up to twelve nautical miles, was, "justified by an argument suggested by Van Bynkerhoek, that the Lives and Property of the Inhabitants may be endangered by suffering the Powers at War to commit acts of Hostility ag[t]. each other within cannon Shot of the neutral Shore and that from this inconvenience, every nation bordering on the sea, may reasonably claim this moderate extension of their Limits." While King wanted this further limit, he claimed he would acquiesce to the cannon-shot rule because, "the most approved authors on natural Law have adopted this Rule."[31] He also found evidence for this rule in the second volume of William Wynne's *The Life of Sir Leoline Jenkins*, a biography of the seventeenth century English admiralty judge and ambassador, where he marked passages dealing with cases of ship seizures near the English shore.[32]

While the Genêt Affair was a troublesome event in early American political history, it offered powerbrokers like King a chance to turn to the law of nations and create rules to preserve peace. One such rule was the Neutrality Act of 1794 that resolved the questions created by Genêt's schemes, and denied the use of American ports to outfit foreign military vessels and set a three-mile territorial limit from the shore. Law of nations reading assisted King as he maneuvered politically to formulate American neutrality law, which helped preserve the peace King wanted for the nation.

Reading during the Jay Treaty Debates

King ended his 1793 essays to Hamilton in a sudden fashion, quoting a seemingly incongruous line from Livy's *History of Rome*. Attempting to record the line from memory, King wrote "Roma crescit albæ ruinis" Liv." and below that wrote "crescit interea Roma, Albæ ruinis" / Livy." His memory failed him in both instances. Livy wrote "Roma interim crescit Albae ruinis," which translates as "Meanwhile, Rome grew by Alba's ruins," in reference to the conquering of Alba Longa by the Kingdom of Rome in the seventh century B.C.E.[33] This early triumph was the beginning of Rome's rise to prominence. Why was King thinking of this after the political debates over neutrality? The answer lies in his belief in America's potential strength and future eminence. While the Old World was destroyed in wars and conflict, the new republic would thrive and dominate if it could remain at peace. King's political goal was to create space for America to mature in peace.

This objective would be harder to achieve than he realized. In late 1793 and early 1794, the threat of war shifted from the outfitting of French privateers in American ports to the British seizure of hundreds of American merchant ships in the West Indies. The seizures, which were carried out under unpublicized British orders in council, created a political maelstrom. The supporters of Thomas Jefferson and James Madison, who were soon to form the Republican Party, expressed anger over the British depredation of American merchant ships and called for retaliatory measures. The Federalists, led by Alexander Hamilton, argued for calm and diplomacy despite British aggression. Around ninety percent of American trade revenue, and therefore the vast majority of government receipts from impost fees, came from commerce with the British. The Federalists noted that revenue stream was required to keep the government running and that the nation was too weak to assert itself against the former mother country.

Further seizures created political pressure for a two-month trade embargo, but a group of Federalist leaders, including King, convinced Washington to send John Jay as a special envoy to Britain to resolve the crisis in May 1794.[34]

A number of issues remained unsettled between the nations during the decade after the Revolution. Most importantly, there was no trade treaty between the former combatants. They regulated trade through their municipal laws, which could be changed quickly, as evidenced by the 1793-1794 orders in council. One of Jay's goals was to demanded restitution for the ships captured under these orders. Other issues remaining from the Revolutionary settlement also lurked in the background. The disputes involved British-occupied forts in the Northwest, British support of Indians on the frontier, and slaves taken from American owners during the war. Federalist leaders knew that they needed a high-level meeting to defuse the tension. Their main point when talking to Washington was that America needed a stable treaty to reach an acceptable equilibrium, and he agreed. It took six months to negotiate an agreement, but a treaty was finalized in mid-November 1794 and sent back to America for ratification. It arrived in Philadelphia in March 1795. Jay achieved his main objectives: to avoid war and resolve the persisting issues from the Revolutionary peace. But it was essentially a set of Federalist compromises that the Republicans found highly problematic.

Washington received the treaty in March 1795, but pocketed it until June, when the Senate debated it and ratified it by the bare-minimum two-thirds vote required. Afterward, the treaty was leaked to the public and the country exploded. Jay was burned in effigy up and down the coast, large public meetings were held across the country, and memorials and petitions of protest poured into the capital. The atmosphere was so charged that Hamilton was struck by a stone thrown at him during a rally against the treaty in mid-July 1795. In order to quell the

outrage and violence, King joined Hamilton and Jay to pen the "The Defence" essays, otherwise known as the Camillus essays for the pseudonym they adopted, to convince the public to accept the treaty. Written from July 1795 to January 1796, reading played a large in the creation of the series.

An examination of this series will show how King's use of law of nations authorities was a tactic to help America become more firmly embedded in the European international system and the moral sensibilities it embodied. The law of nations was a tool whose accepted use secured membership in the European-centered world of treaty-worthy nations, and King used the rules embodied in the law to challenge domestic critics who wanted to confront Great Britain in the mid-1790s. King believed that only when the nation was developed and thriving could it afford to confront other nations.[35] By examining how King used the law of nations in a moment of crisis, it is possible to see his politics in a new light.

Like the almost 190,000 words of *The Federalist Papers*, which took eleven months to compose, Hamilton, King, and Jay crafted the thirty-eight numbers of "The Defence," whose 100,000 words took the three Federalists six months to formulate, under stressful conditions that required a massive amount of reading and re-reading to produce. The first twenty-one essays appeared from July 22 to October 30, 1795 in New York in *The Argus, or Greenleaf's New Daily Advertiser*. After the editor Thomas Greenleaf complained of its length, the trio published the last seventeen numbers in *The Herald; A Gazette for the Country* from November 11, 1795 to January 9, 1796. The publisher and printer, Francis Childs, issued the first twenty-two essays by Hamilton in pamphlet form at some point at the end of November 1795, but King's essays only saw publication in newspapers and periodicals.[36] The literature that references "The Defence"

assumes that Hamilton did the vast majority of this work. It is clear he took the lead on the project, but it was much more of a collaboration between the three Federalists.

Writing to his wife Abigail, John Adams reported, "The defence by Camillus was written in concert between Hamilton, King, and Jay … This I have from King's own mouth. It is to pass, however, for Hamilton's. All three consulted together upon most, if not all the pieces."[37] While written evidence of Jay's assistance could not be found, King's work is quite clear.[38] King assisted Hamilton with the exegesis of the treaty articles that was sent to Washington in July 1795, before the articles that would become "The Defence" appeared.[39] That exegesis was the rough draft for the newspaper series. King also kept detailed notes from government archives and loaned them to Hamilton for a variety of projects, including the Camillus essays. From the manuscript drafts of the essays, and King's own scrap notes, it is possible to see where he specifically helped Hamilton.[40] From this evidence it is clear that King did some of the reading and research for Hamilton as they furiously wrote the essays.

In essence, Hamilton, King, and Jay took part in their own private seminar on the law of nations and international affairs. Answering an 1817 query from his biographer and friend, the printer William Coleman, about his role in "The Defence" series, King noted that, "[t]he critical examination of these articles [Articles 11-28 of the Jay Treaty], in relation to Navigation, Trade, as well as to the Laws & treaties of Nations,—has been of great advantage to me thro' life. Principles were established, & usages & regulations discovered, relative to maritime & commercial Law, which have given to me greater confidence in acting & deciding on these intricate matters, than I feel on almost any other subject."[41] The examination involved intense research into the law of nations to defend what seemed on the surface an unpatriotic treaty.

Hamilton and King wrote under the pseudonym, "Camillus," the fourth century B.C.E. Roman general and statesman that Livy and Plutarch described in their histories. King read Livy multiple times throughout his life and owned his father's seventeenth century copy of the history, as well as later editions.[42] They chose Camillus because of his link with early Rome when it was weak and beset by enemies. Camillus extricated Rome from long and bloody wars with its neighbors on the Italian peninsula at crucial moments when the situation called for a virtuous hero. He also ousted the Gauls from their seven-month occupation of Rome in 386 B.C.E, becoming known as the Second Founder of Rome in the process. By signing their articles "Camillus," the trio demonstrated they were disinterested and honorable men trying to save the newly established American republic from its many enemies. Camillus's victories also marked the beginning of Roman expansion into what would become the most powerful polity on earth. The Americans believed their fledgling nation had the same potential for greatness as Rome, but only if it could avoid war in order to tap into its vast resources.[43]

There is no evidence of what King thought of Camillus while he was defending the Jay Treaty, but around the later part of 1800 or early 1801 he re-read at least part of Livy's *The History of Rome* while serving as the American Minister to Britain. King purchased a six-volume London edition of the book published after 1797 and created manuscript indexes on the front flyleaves of volumes three, four, and five. In the third volume he wrote, "[page] 511 Resignation to the injustice of our Country," which referenced Camillus.[44] The passage refers to Marcus Livius, who had been charged with misconduct upon the end of his term as consul in 219 B.C.E. Mortified, he retired to the countryside and only made a return to public life in 210 when he supposedly had to be forced to take the consulship again. When Marcus Livius complained of this fickle treatment by the Senate, the officials used the example of Camillus who, "returned at

its [Rome's] call, and re-established it, when shaken from the very foundations; that it was the duty of a man to mollify, by patience, and to bear with resignation, the severity of his country, like that of a parent." King understood the public to be capricious and volatile and in need of taming.

King demonstrated this by noting "p. 228 Populace!" in the same manuscript index of the third volume of Livy. At this point in the text King underlined the passage, "Such is the nature of the populace, they are either abject slaves or tyrannic masters; liberty, which consists in a mean between these, they know not how either to enjoy, or undervalue, with moderation."[45] The passage reflects the mercurial nature of public opinion King had to grapple with in 1795-1796. King and his partners felt they had to adjust the mood of the people to get them to do what they felt was necessary to preserve the peace. The law of nations would be their means to alter the tone of the debate. Hamilton, King, and Jay set out to prove to a skeptical nation that the Jay Treaty lived up to the higher law that all civilized nations strived to embrace. It was a shrewd strategy, as the U.S. had fought the Revolution in part to be a nation among nations. To be a legitimate member of that group required adherence to the rules.

Hamilton's contributions are long and defy easy summarization, but his primary thesis was that an excessive amount of American prejudice against Britain existed after the Revolution. The anti-administration faction tapped into this feeling and used it to push for war, but not fall into it. They simply wanted to widen the breach between the two nations for short-term political gain. Camillus worried that this strategy would be unsustainable once the two nations drifted closer to the brink of war and one of his goals was to halt the movement toward conflict. It was only natural that moderation would be ignored with Washington set to leave the presidency. In response, Camillus called for a return to the reasoned center. He wanted vigorous preparation

for war and felt Jay's mission was a good faith effort at negotiations to avert conflict. Camillus said no treaty could be perfect, but Jay achieved the primary goal of continued peace and that his opponents were concerned about details that could be adjusted in the future as America grew in strength.

Overall, the series is long and wordy and even Federalists were weary of the crushing nature of the series. Fisher Ames, a wordsmith of a Congressman from Massachusetts, who would give one of the most important speeches in the House of Representatives in favor of the treaty, said the series was "so much answer to so little weight of objection … Jove's eagle holds his bolts in his talons, and hurls them, not at the Titans, but at sparrows and mice."[46] But the wave of words was an essential part of the strategy of Hamilton and King. The historian Matthew Rainbow Hale has shown how the idea of time changed with the coming of the radical phase of the French Revolution in 1792-1793.[47] With their essays, King and Hamilton wanted to return time to its normal pace and create an atmosphere where reason could prevail.

With the Founding of the French Republic, the execution of King Louis XVI, and the beginning of the Reign of Terror, Hale shows that Americans started feeling as if they lived in a period of cascading events that seemed to quicken time. Federalists saw this as a problem because the people were not looking at events rationally. Circumstances were occurring quickly and without any ability to predict or control them. What the Federalists wanted to do was slow down time by having the people think through the momentous events occurring. The built-in strategy of the series was to force its audience to read slowly and come to new conclusions based on facts and law. The end result was too important: the treaty or war. Hamilton, King, and Jay did all they could to prove that peace was necessary for the future of the republic, regardless of any compromises that had to be made.

"The Defence" was just as learned as the Federalist Papers, relying on luminaries like Sir William Blackstone, Gabriel Argou, Sir Edward Coke, Charles-Louis de Secondat, baron de Montesquieu, and the previously mentioned Grotius, Pufendorf, Rutherforth, Vattel, Heineccius, Bynkershoek, in addition to various compilations of treaties and public documents.[48] King's own notes show he began his thinking about the law of nations for this series by looking at Charles Jenkinson's (later Earl of Liverpool) 1758 pamphlet *A Discourse on the Conduct of the Government of Great-Britain, in Respect to Neutral Nations, During the Present War.* Jenkinson provided a list of the most important law of nations figures that King copied in his 1795 notes for the Camillus essays: "Albericus Gentilis – older y^{n} Grotius[,] Heineccius[,] Zouch[,] Voet[,] Zuarius[,] Loccenius[,] Puffendorf[,] Vattel[,] Consoleato del Mare, the collection of Italian maritime Laws under that Title – Venice & Genoa the first com. Nations."[49] In the text where King pulled this list, Jenkinson noted that "all of them [are] writers of reputation, and whose opinions are universally relied on by all, who treat on public jurisprudence."[50] In the articles King wrote, he directly cited law of nations material from Vattel, Montesquieu, Rutherforth, Grotius, Bynkershoek, Puffendorf, Heineccius, and a variety of treaty compilations.[51] King's strategy of mastering a field included reading sources that summarized material before reading for details he would need in specific sources later.

The law of nations is amorphous and hard to enforce, as Camillus acknowledged, but marginalia from volume one of King's copy of Burlamaqui's *The Principles of Natural Law and Politic Law*, shows that he thought it was still best to move toward a well-reasoned goal, even without complete surety. King intervened in the first volume of the two-volume work where Burlamaqui noted that man cannot always have all the information necessary to proceed toward a goal and that probability has to be a part of the statesman's decision-making process. King

underlined, "It is easier to attain our aim by the help of a faint or glimmering light, than by continuing in darkness."[52] Tellingly, he also went to the footnote at the bottom of the page and wrote the word "evidence" next to the quotation from Seneca's *On Benefits* that supported Burlamaqui's point. To any objector, Seneca claimed

> that we never should wait for absolute knowledge of the whole case, since the discovery of truth is an arduous task, but should proceed in the direction in which truth appeared to direct us. All our actions proceed in this direction: it is thus that we sow seed, that we sail upon the sea, that we serve in the army, marry, and bring up children. The result of all these actions is uncertain, so we take that course from which we believe that good results may be hoped for. Who can guarantee a harvest to the sower, a harbour to the sailor, victory to the soldier, a modest wife to the husband, dutiful children to the father? We proceed in the way in which reason, not absolute truth, directs us. *Wait, do nothing that will not turn out well, form no opinion until you have searched out the truth, and your life will pass in absolute inaction.* Since it is only the appearance of truth, not truth itself, which leads me hither or thither, I shall confer benefits upon the [objector] who apparently will be grateful.[53]

While it is not clear when King read this, it shows King's basic beliefs about the need to be an active statesman in times of crisis like the debates surrounding the Jay Treaty. While it might not be the treaty that America wanted in all respects, it was a reasonable treaty. By using reason to guide him through an unpredictable situation during a severe war, Jay did the right thing and America should support the treaty as a result.

King took over the writing for "The Defence" in November 1795, moving away from a general defense of the treaty to "the intercourse, commerce, and navigation of the parties" in the twenty-third number.[54] He had the difficult task of convincing the public that America was too weak to challenge Britain. It was the truth, but he had to avoid sounding unpatriotic. He argued in his first essay that the reasoning of this point was sound – the British had the right to monopolize their West Indies colonial trade because all international law authorities said it was

appropriate. America could not demand them to simply end this monopoly when centuries of tradition countered such glib arguments of the Democratic-Republicans. At the end of the article King reported that the Democratic-Republicans said that any impediment to American commerce is unacceptable. King said, "the artifice [that we should be able to end this monopoly easily] seems too gross to be dangerous with a sensible people, but the public should notwithstanding be upon their guard against it."[55]

He argued that other nations have not been able to change the monopolizing tendencies of mother countries in the past so why should America expect to do so now? He cited Vattel and Montesquieu to prove his point. Vattel stated, "the rights of commerce, among nations between whom exist no treaties, are imperfect." The law of nature, which King equated with the law of nations, states that each nation is at liberty to purchase goods from another nation if it so pleases. No one can be forced into commerce like the Republicans argued, and King paraphrased Vattel when he argued "a right to prohibit the entrance of foreign merchandize and the people who are interested in this prohibition have no right to complain of it."[56] King was telling the public that Britain's commercial regulations should not be surprising to anyone. What was surprising, he claimed, was their willingness to back down in small ways, and America should take advantage of those openings.

King's main point was that the British were not the oppressors that the Republicans claimed they were. King pointed out that their actions were normal and that American reactions were extreme, especially without the hard power necessary to change the system as it existed. To prove this, King called on Montesquieu to show that the appropriation of benefits from colonies by any mother country was "a fundamental law of Europe." He went on to say that we cannot demand a slice of the British West Indies trade because "commerce with a foreign colony shall

be regarded as a mere monopoly." He continued Montesquieu's reasoning by citing his argument "that a commerce established between mother countries, does not include a permission to trade in the colonies; for these always continue in a state of prohibition." This was especially true for Britain, which understood its commercial trade and fisheries as incubators of their navy. They felt their monopoly would result in the creation of the next generation of sailors, an interest that America did not have the power to challenge in 1795.[57]

King evaluated what was considered the worst article in the treaty, the infamous twelfth article that highly restricted American shipping in the West Indies, in the best possible light. The article only opened the British West Indies for a limited time and restricted the size of American ships to seventy tons, which was much smaller than the average commercial ship in 1795. In addition, there were tight re-export conditions attached to the article that hindered the ability of American traders. The Senate was so angry about the article that they rejected it when approving the treaty, but King said he understood why Jay accepted the article. The inviolability of the Navigation Acts was a well known "precedent, it is known, [and] has great influence as well upon the council as upon the popular opinion of [a] nation!" Britain's belief in this was inviolable. What Jay did was create a small crack in the system, King noted. Afterward, he rather weakly claimed that "[i]t may upon this ground be strongly argued that the precedent of the privileged gained was of more importance than its immediate extent." One of King's goals in England when he was minister was to try to move this lawyerly argument forward. In all events, King expressed shock that the British moved as far as they did.[58]

King said America was in a strong position, built ships cheaper, and manned and supplied them on better terms. The young nation also had better native shipbuilding resources, while Britain had to import their materials. King clinched his point by citing the well-known political

economist Tench Coxe's *A View of the United States*. In that work, Coxe stated the United States could build and equip a merchant ship of any size for one-third less than Britain, France, or the Netherlands.[59] The point being that American merchants put less capital into their ships, paid less interest, and needed cheaper insurance. In essence, King saw America as a rising power with great potential, but required the time to take advantage of that potential. Only peace would enable that to happen, which is why the Jay Treaty was so important to him.[60]

This pragmatic style continued throughout King's further contributions. He inundated the reader with references to treaties and Gênet's secret instructions to counter the Democratic-Republican argument that the French offered a viable alternative to British trade. King's used his sources to assert that the French were self-interested. He also expressed satisfaction that Jay had created a small crack in the British navigation system through the twelfth article, which opened the British West Indies to small American vessels for a limited period, and the thirteenth article, which opened the British East Indies to American shipping. But King's reading became most important when he turned to defend the seventeenth article of the Jay Treaty in the twenty-ninth number of *The Defence*.

This article asserted Britain's right to search neutral ships in time of war in order to prevent enemy property or contraband from reaching the conflict. It was the issue that inflamed public opinion in the most extreme ways. King cooled the heat of the public's anger by resorting to lawyerly reasoning. He drew upon a number of law of nations thinkers to provide cover for a policy that drew ire. King first reached for the Dutch jurist Cornelius Van Bynkershoek's Latin treatise, *Quaestionum juris publici* to prepare his thoughts on the matter.

Bynkershoek summarized the main thoughts of the seventeenth century thinkers for King. King believed nations had rights in the same way an individual did in the state of nature, which

meant they could not use their neutral rights to injure the rights of either belligerent in a conflict. It logically followed that contraband goods on the high seas, where no nation had jurisdiction, were liable to be seized. King noted that the Dutch thinker argued, "in consulting reason, I cannot see why it should not be lawful to seize enemy goods found in neutral ships, for this is only taking what belongs to the enemy and falls to the victor by the laws of war."[61] King asserted this thesis throughout the twenty-ninth Camillus essay. No nation could take advantage of the loophole of neutral shipping in a war, King argued, it was not worth a war with Britain to test this legal maxim.

King went on to bury his opponents with citations from further authorities defending his point of view. Grotius, King recorded in his notes, "is clearly of opin. y^{t}. [that] such [enemy] Prop. is not protected by a neutral Bot. he even admits y^{t}. such Prop. affords strong Presump. That the vessel is likewise Enemy Prop."[62] King then wrote that "Bynkershoek, Pufendorf, and Heinecius all agree with that statement. Vattel stood with his fellow judicial thinkers that "without searching netural ships at sea … the commerce of contraband goods cannot be prevented … At present a neutral ship refusing to be searched would, from that preceding done, be condemned as lawful prize."[63] King ended his argument by stating other writers could be brought to bear and challenged the Republicans to find a single authority to support their case against searches.

As Camillus, King also argued against the idea that "free ships make free goods" was an uncontested part of the law of nations for 150 years, as claimed by Robert Livingston, who wrote as Cato in *The Argus*.[64] In his eighth Cato article, Livingston argued that the list of contraband goods had been confined to military stores for 150 years, and that the new enumeration of contraband in the Jay Treaty, especially that on food, was a violation of the law of nations.[65]

This assertion flabbergasted King, whose initial reaction in his notes was quite harsh. King scoffed at the idea of bending to the French interpretation of the Jay Treaty and

> [p]erhaps like Cato, our other modern wise men, dispising [sic] the lights, & truths, that in the Discovery of their Rights & Duties have heretofore been the Guide to nations may congratulate themselves that they are ignorant of them – preferring those new theories, and fanciful systems, long since exploded by those whom with a simple Phraze they consign to oblivion & contempt – this is a new & short method of being free from arguments that embarrasses, but unfortunately the invention of it belongs to the Citizen of another tho a sister Republic.[66]

To counter this argument against tradition, King pulled books off the shelf in order check the treaties himself and, "[s]truck with the fullness of this assertion, I have carefully examined such collections of treaties as I have been able to procure, and going back to the year 1645, I have given a patient search to all the public conventions between Great Britain and the several powers of Europe since that period."[67]

He scoured a number of volumes that contained compilations of treaties from the seventeenth and eighteenth centuries.[68] King said he could not find any authority that references "free ships make free goods" unless it was combined with "enemy ships make enemy goods," although the latter can be alone in the Anglo-Spanish Commercial Treaty of 1667. King also examined all the British treaties with Spain, Portugal, France, Holland, Dantzic, Denmark, Sweden, and Russia in that period. With the French and Dutch treaties it was stated that free ships make free goods and enemy ships make enemy goods. The other treaties did not say this and the French and Dutch treaties were no longer in force because of the French Revolutionary Wars. King said this proved that Livingston was wrong, and the situation was not as unanimous as he assumed. King believed a nation should only go to war over truly irreconcilable differences involving extremely important issues. While he was not downplaying the ship

seizures or other issues of conflict, King worked with Hamilton to demonstrate that there was no moral case to be made for war when the law of nations was examined.

Reading in London

The next chapter of this dissertation will offer a deeper examination of King's reading while he served as the American Minister Plenipotentiary in London from 1796-1803, but a short discussion of King's preparatory research before traveling to Europe will demonstrate how he continued to use the law of nations to regulate his activities, politics, and diplomacy. After working to assure the Jay Treaty was ratified by the Senate, funded by the House of Representatives, and accepted by the public, he was selected to implement the treaty in 1796. His preparatory scrap notes contain material quoted from Gaspard de Réal de Curban's *La science du gouvernement* and Abraham de Wicquefort's *Memoires touchant les ambassadeurs; et les ministres publics*.[69] Both authors were considered experts on the role of government and diplomacy and defined the proper role of resident diplomats on the world stage.

De Réal, whose eight-volume text took thirty years to complete, attempted to explain the rights and duties of all men, no matter what situation they found themselves. De Réal reminded his readers that any diplomat must remember that he represents and speaks for the sovereign. A minister had all the power necessary to conclude the business he was selected to broker simply by his appointment and he was supposed "[t]o observe all that passes at the Court, and the Policy wh[ich] prevails, to study those wh[ich]. compose the Council of the Sovereign, to know those who are in his Confidence or that of his Ministers, the Connexions which exist or are moderated by the Gov^{t}."[70] King followed this advice as demonstrated by highly detailed accounts of current events he was able to send back home and record in his diary. He knew how to network with political and cultural elites in order to improve his nation's stance abroad.

King was deeply concerned to have his role as minister defined before he would be thousands of miles away from America and would have to settle difficult business in trying circumstances. King read in De Réal's text that once those boundaries were clear the minister had the obligation to stand firm and fulfill his duties to best of his abilities. King noted that de Réal said, "[n]othing sh^{d}. prevent a pub. Min^{r}. from conforming exactly to the orders given to him, nor from using firmness on every occasion where the Interest of his Prince requires it – If the Sovereign to whom he speaks mingles menaces in his Discourse, or <u>if he impresses Ideas injuries to his Master</u>, the Minster may & ought to animadvert upon them with vigour – and he is culpable if he omits doing so."[71]

King felt he needed to be virtuous, in both a moral and assertive fashion, while abroad. He recorded stories of ambassadors who properly advocated for the interests of their nation in trying times. He understood them as models to emulate. De Réal recorded the story of Don Pédro de Tolede, ambassador of King Philip III of Spain to France. Upon being announced to King Henry IV, Don Pedro was told, "[t]hat if the King of Spain continued his outrages he would carry fire into the very Escurial, and that if he once mounted his Horse, they would quickly see him at Madrid – 'the King Francis was once there,' replied the ambassad^{r}. insinuating to Henry 4 that he might arrive at Madrid, not as a Conqueror, but like Francis as a Prisoner, an answer worthy of the Courage and the Liberty of an ambassador." Morality and the common good were not achieved passively in King's mind, they required strength at times and an understanding to know when it was best to use it.[72]

From Wicqeufort, King recorded notes on poor ambassadorial conduct. First though, it should be noted that Wicquefort said an ambassador should always stand his ground when requested to leave by the sovereign, "he may answer y^{t} [that] he holds his appointment from his

own proper Sovereign, & cannot quit his post without orders." But there were lines that could not be crossed, and King seems to have recorded examples from Wicquefort in order to understand how not to act.[73]

In 1632, Don Christoval de Benavedes, the Spanish ambassador to Paris, spoke against Cardinal Richelieu to Mr. Seguire, the Keeper of Seals. De Benavedes had proclaimed that the Cardinal "was a man without honor, Faith, & Religion." Although de Benavedes later denied making the claim, the Queen of France demanded his removal. After an appeal, the Queen said he could stay if the Spanish ambassador satisfied the tarnished honor of the Cardinal. Instead, "Christoval attempted to have it believed y^{e} Seguire did not understand Spanish, & denied what he had said – but this did not satisfy the Queen, who complained to the King of Spain, who caused his ambassador to be reprimanded by Bouthillic Sec^{y}. of State."

A similar case of bad judgment was made by Jean de Varignies de Blainville the French ambassador under Louis XIII to Charles I of England. In 1626, Blainville improperly interfered with certain arrangements proposed for Charles' wife, Queen Henrietta Maria. This displeased Charles I, who reported the irregularities to the French king, who recalled Blainville. The ambassador was ordered to make apologies for the incident. King also recorded similar stories of the intrigues during Queens Elizabeth's reign. These examples helped King understand the limits of his mission and gauge when he could push harder in defense of his nation's interests. Reading played a key role in helping him gain confidence upon landing in England in 1796.

Reading on Impressment and Naturalization

During King's mission in London from 1796-1803, the impressment of American sailors consumed an inordinate amount of his time. He tried to come to an accord on the issue with the British, but was never able get his counterparts to come to agreeable terms during his seven years

abroad.[74] Impressment continued to be a source of contention between the two nations after King's return in 1803, contributing to the outbreak of the War of 1812. After returning to New York, King experienced a decade-long absence from public office, which ended with his election to the U.S. Senate in 1812, but during the interregnum he continued to read and think about the impressment issue.[75] The historiography of the early republic usually states that the Federalists downplayed the threat of impressment, which was part of their anti-war reasoning, but King's stance was different. He felt it was a large problem, but when he read legal sources he came to the conclusion that the British had the law of nations on their side. King understood the British practice of impressing all sailors who might be British subjects as dishonorable, but the general practice was not a legitimate source of war in King's mind. His anti-war stance was reasoned and principled, not based on calculations of mercantile profit.

To fully comprehend the matter, King turned to many of the same Continental jurists that he had examined in the 1790s, creating a commonplace book to consider the legal questions surrounding naturalization, citizenship, and subjecthood.[76] The British never claimed they had a right to impress men from neutral ports or ships, only that British subjects could not renounce their allegiance to the king to avoid service. When legally stopping neutral ships they suspected of carrying contraband to their enemies, the British argued they could force any sailors who were subjects of the crown into naval service. The commonplace book examined this legal issue and has one major heading, formulated as a question, "May Subjects without permission, separate themselves from their Country, and become members of another State?"[77] King argued that this was the essence of the entire impressment issue because the answer "turns upon consent express or implied, and a plurality of american [sic] cases are of this Character."

The answer to the question hinged on a number of legal sources. In the British Empire, a subject owed allegiance to a monarch at birth. After the Revolution, Americans asserted that citizens had rights based on consent, not authority. The legal differences between these conditions created the tensions that eventually led to war. Americans saw citizenship as a choice and created a relatively easy naturalization process for foreigners. During the 1790s, a person was naturalized after a two-year residence in the United States or after two years of service on an American ship. That was increased to five years after 1802. The British had a similarly easy system of naturalization, claiming that anyone who lived on a British territory for two years, had married a British subject, or any sailor who had served on a British merchant ship came under the authority of the Crown. The British maintained that people from other nations could become naturalized British subjects, but they refused to admit the right of any British subject to expatriate and become a citizen of another nation. This created the legal basis of impressment, which resulted from the common law's insistence of "indefeasible allegiance," or perpetual allegiance to the monarch. This dictum stated that the easy access to citizenship offered by America did not apply to British subjects. In 1789, the British claimed that the only way a person could be a citizen of the United States was if he or she was born there. In 1794, they expanded the definition of American citizenship to include people who resided in America or who were in the service of America in 1783, but even this broader definition still allowed the British to impress anyone who left Great Britain after the Treaty of Paris. In practice, the British took any American seafarer they felt was a British subject and made the sailor prove his status after the fact.[78]

King cut through the confusion of the impressment issue when he first landed in Britain in 1796. In a letter to the foreign minister Lord Grenville, King argued that, "[i]f Great Britain

requires the acquiescence of foreign nations in this Law, so far as regards the requisition of her subjects married or settled abroad, or voluntarily engaged in foreign service, is she not bound in like manner to observe it herself in respect to the subjects of foreign Powers under similar circumstances in her service or within her Dominions?"[79] This contradiction was not resolved while King was in Britain, and remained at the center of the Anglo-American conflict in the early nineteenth century. King analyzed the problem in a commonplace book that was probably created at some point between his arrival in New York in 1803 and the outbreak of the war.[80]

The commonplace book provides another example of King's intensive reading to solve problems. He explored all the pertinent literature in an attempt to come to a reasoned solution. He was closely reading more than a dozen legal texts, some in French and Latin, which he translated in the commonplace book. King examined texts by Blackstone, Coke, Sir Matthew Hale, Sir Michael Foster, various common law reports, and the Magna Carta to ascertain the British side of the dispute. King further studied Grotius, Pufendorf, Vattel, Burlamaqui, Heineiccius, Rutherforth, Bynkershoek, Henri de Cocceii, and Christian Wolff to discover the views of the Continental authorities of the law of nations. As the canonical treatises of the law of nations had differing views, the traditional way to resolve the contradictions was to examine many sources and discover where the consensus of the majority stood. That is why King read these so many texts so closely.

King was quickly able to sum up the British legal argument about emigration in this commonplace book. Going back to the foundations of the common law, King found that there was, "[n]othing in favor of the Right of emigration is to be inferred from magnâ Cartâ, as it contains an express saving to the King of the allegiance of those who go out of the Kingdom." Subjects are allowed to leave England "for a short time for the common good of the Kingdom,"

but that right was not made permanent by the capitulations of King John. The thirteenth century argument was extended by, "Lord Coke, 2^{d} Institute, Hales Pleas of the Crown, Hawkins, Sir Michael Foster, and the Reporters of Trials for Treason, piracy, and Hommicide, extra Anglican – all agree that an English Subject cannot throw off his allegiance, which continues during his Life." Parliamentary positive law built on this foundation, but the most important source of common law in the late eighteenth and early nineteenth centuries, Blackstone's *Commentaries on the Laws of England*, reinforced the British arguments against expatriation, "by common Law and according to the great Charter every man may go out of the realm without leave, and for whatever cause he pleaseth[.] But as every one is bound to defend the King and the Realm, the King by writ may command him not to go out without licence [sic], and if abroad may in like manner command his return." King's research made the British case for perpetual allegiance of the subject very clear.[81]

Despite his deep reading of the law of nations sources, he was not able to prepare a moral defense against British actions, but Grotius provided King with the best evidence that emigration and naturalization were consistent with natural liberty. The Dutch jurist noted that some states do have laws restraining emigration, but he questioned the natural basis of these strictures. Grotius said "large companies" or whole communities could not leave a state, but individuals did have the right to leave, "as it is one thing to draw water out of a River, and another to divert its course." Such emigration, Grotius held, might even lead to advantages for the government. King noted that Grotius cited Tryphonius and Cicero to prove that "the Foundation of Liberty" was based on a person's choice to stay or leave a state. Later in the commonplace book it was recorded that, "Plato says, that at Athens it was permitted to every individual, after having examined the Laws and Customs of the Republic, if he disliked them, to withdraw and go

whithersoever he would, taking with him all his Estate," but every other source qualifies Grotius' arguments.[82]

Throughout the rest of his reading notes on naturalization, King emphasized the role the state played in allowing people to permanently emigrate. Pufendorf noted that there were several ways a person could leave a state, but that the most common way was to leave by choice, "and with the Permission of the State of which one is a member." He said there were states that allowed voluntarily emigration, but, "there are Countries from which we cannot withdraw without the express permission of the Sovereign." King knew Britain was one such nation.[83] Vattel agreed with Pufendorf, and King noted this by indicating the Swiss jurist's opinion that, "[a] Citizen may emigrate, when his departure will be of no Detriment to the State." King notes also highlight Vattel's conviction that, "[t]he political laws of Nations" vary greatly (more correctly the Laws of different Nations) in this respect – some states allow all Citizens to absent themselves, except in Time of war, and to emigrate without assigning Reason for it – But this License is in its own Nature contrary to the welfare and safety of the Society." Both Pufendorf and Vattel argue for the need to allow people to move between states, but they were very clear that the subject or citizen's original state could demand continued allegiance, which is what Britain contended under the common law.

Burlamaqui followed up on these arguments. He noted that it is an inherent right of freemen to be able to emigrate, but with certain caveats. Most importantly he said, "[a] man may not quit his native country without the permission of y^{e} Sovereign," and "[i]f the Laws of the Country have determined any thing upon the subject; he must be bound by them. Heineccius also said a person could leave a state and become a citizen of another, "unless the Law forbids subjects to remove." Rutherforth said he would agree with Grotius that freedom to emigrate

would be ideal, "provided all Societies admit the Rule." Wolff concurs, allowing emigration for any person, "unless he be restrained by the Laws of his Country." In fact, Wolff said any state that accepted émigrés from another state that had laws against it would be violating the sovereignty of the original state, because, "[i]f a nation may impose Restraint upon the natural Liberty of its Subjects, and does in fact impose such Restraint in the case of Emigration, it is not competent for any other nation to question the Policy, or to deny the Efficacy of such Restraint – as to do so, would be contrary to the Equality and independence of nations." Bynkershoek condenses all the legal arguments documented by King when he specified, "among all People, excepting China, Russia and England, it is free, and always has been so for everyone, to transplant himself elsewhere, & thereby to throw off the subjection in which he was to the Sovereign of the Country, that he has quitted."

All of the sources King examined said a person could renounce their allegiance to their state if, "1st in case of Famine – 2d. if the Govt. does not perform its Obligations to a Citizen – 3d. where Laws violate Conscience, or the inalienable Rights of ye. Citizen." But King could not argue that such conditions existed in Napoleonic-era Britain. Regardless, the same sources all said a person could not leave a state at a moment of crisis, war being the primary example. King would have admitted that the war effort of Britain required all its subjects. After research through the most important moral and legal sources of his era, King had to conclude that the British were indeed authorized to deny their subjects the right to naturalize in America. They had passed positive laws and the demand of allegiance resided in the common law. A preponderance of law of nations sources from Continental jurists also concurred. King disliked forcing true American citizens into the Royal Navy and saw it as a rejection of American sovereignty, but in a reasonable fashion, he was able to see the legal justification of the British.

If the British acted morally in most cases, King could not understand how impressment could draw America into a war it could ill afford to join. Again, the law of nations led him toward peace and a chance for America to mature while the rest of the world fought bitterly. It was partisan anger toward the British and not rational policy that was the cause of war in King's mind. But by the time of the War of 1812, the ability of the Federalists to alter policy was minimal.

The Law of Nations and the War of 1812

The War of 1812 can be understood as the inversion of the peaceful resolution of the crisis of 1794-1795. Part of the reason for the removal of animosity in the earlier period was a reliance on the reading of the law of nations. It was the series of rules that everyone could agree on, even if they were not always followed completely. What King did in 1795 was show that war could be avoided with the law of nations.

He certainly did not reject war under certain circumstances, but the threshold was quite high in his mind. In an essay written just before the War of 1812, King noted that it is, "honour alone that can justify a war: money or property, whether it be thousands or millions, is never worth fighting for, except so far as the same may be identified with national honour."[84] In 1795 he was trying to convince the public that the nation's honor had been damaged, but not sacrificed, and that the treaty restored America's status in the international realm.

King's reading of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* while he was in London shows how this concept mattered to him. In his commonplace book, under the heading "Honorious Reign," King noted that the Roman government's negotiations with the Goths failed because the state under Emperor Honorious was weak. The Roman Senate declared, "that in <u>the judgment of a magnanimous people</u>, the chance of Ruin was

always preferable to the Certainty of Dishonour." This reading demonstrates that King was willing to fight a war if dishonor was involved, but in 1795 he claimed that honor was not forfeited and peace was worth preserving with the Jay Treaty.[85]

King had a chance to argue this point in the hall of power when the New York legislature returned King to the U.S. Senate in February 1813 as a surprise consensus candidate. The backlash against the administration's acrimony toward the British led to the election of a Federalist majority in the New York state Assembly in April 1812, although the party did not have a majority of the full legislature when mixed with the state Senate. Without his knowledge, King was probably given the seat as part of a deal between the Federalists and the Republican backers of the Bank of America in which the Federalists supported the incorporation of the bank in return for the U.S. Senate seat. Henry Adams noted, "Rufus King himself stood above suspicion."[86]

King arrived in Washington for the first time in his life in late May 1813. During this second period of service as a Federalist in the higher house of Congress, he eschewed the states rights doctrine of the ultra-conservative faction of New England Federalists, in favor of a nationalist viewpoint. In his view, the war was foisted upon the commercial section of the country in order to assist the frontier and this was bad policy as "[i]t seems to be a Rule of strict Justice, that the Legislature may not relieve one class of Citizens at the Expence of another class."[87] King wanted to lessen the gravitational pull of the West and felt the culture the frontier spawned was leading the nation down dangerous paths to war.

As an obstructionist in the thirteenth Congress, King saw James Madison entering the war against Great Britain, for factional reasons. This abhorrence of unjust war can be demonstrated through his reading of a seventeenth-century compilation of English state tracts. In

a section titled "The Earl of Clarendon's Petition, &c.," a document by the English Civil War historian stating his opposition to the Second Anglo-Dutch war of 1667, King drew a manicule to the paragraph starting, "As I did from my Soul abhor the entering into this War, so I never presumed to give any Advice or Counsel for the way of managing it, but by opposing any Propositions which seemed to the late Lord Treasurer, and my self, to be unreasonable; as the payment of the Seamen with Tickets; and many other particulars which added to the expence."[88]

The same volume saw King using a pointing fist at a section on Oliver Cromwell's inability to take advantage of the strategic benefits England possessed in the 1650s. Under the heading "The Worlds Mistake in Oliver Cromwell, &c.," King drew attention to the fact that Cromwell made too hasty a peace with the Netherlands, too quickly declared war on Spain, and initiated a bad alliance with France. This destroyed the usual balance of power in Europe. King thought James Madison was much like Cromwell, who was out of his element, which "deprived him of common Sense and Reason, [and] he neglected all our golden opportunities." Using his presentist perspective on the reading of history, King found solace in the past that his opposition to a war could be justified in the early nineteenth century.[89]

He began the session's obstruction by working against the nomination of Jonathan Russell, an avid war hawk, for the ministry to Sweden and thwarting Secretary of the Treasury Albert Gallatin's nomination to the peace delegation in St. Petersburg because of the conflict of having a cabinet officer accept an external position. Throughout the session, King put himself on record against any tax or regulation in support of the war. He saw many of the direct taxes aimed at New England maritime interests, which heightened his opposition.[90]

King not only felt the best interests of the nation were not promoted by the war, but that certain acts of the administration were illegal. Throughout his life King defend the rule of law as

the most important bedrock to civilization. If the laws were not followed, both national and individual rights could be stemmed, leading to a loss of liberty. One of King's first acts upon his arrival was to announce his displeasure with the call to place the militia under the command of the regular army in the Northeast and to use them to invade Canada. King argued that this was an illegal act.[91] Adopting a line of argument usually favored by the Republican Party, King used a rigid interpretation of the constitution in an attempt to embarrass Madison.[92]

Dovetailing the legal arguments the Massachusetts Supreme Court used to keep the militia from President Madison's control in 1812, King stated that, "Congress may provide for calling out y^{e} Militia to execute the Laws of the y US, suppress rebellions, & resist Invasion." Anything beyond this was beyond the president's power. To back up this assertion, King turned to Blackstone's *Commentaries* to find the common law rules for militia. In a scrap note, King recorded the militia are "Not compellable to march out of y^{r}. own Counties, unless in case of Rebellion or invasion – within the Realm or any of its Territories (16 Geo. 3.) – nor in any case compellable to march out of, y^{e} Kingdom." Below this, King further paraphrased Blackstone, "Thus the Militia is y^{e} constitutional security for protecting y^{e} Realm ag^{t}. for. or domest. Violence." Blackstone completed his thought by saying this was "essentially necessary to the safety and prosperity of the kingdom," a goal King strived toward during his obstructionists phase in the Senate. King said the law would only allow for defense of the state, not an offensive war across international borders.[93]

King's conversion from an obstructionist nationalist to a supporter of the administration's war effort came about because of the British Army's burning of Washington D.C. in August 1814.[94] Before this, King's stance relied upon his belief in the selfish motives of the Republicans and Britain's position as the main bulwark of freedom against the imperialist

designs of Napoleon's France. It proved to be an impossible position to hold after the violent raid against the capital. With most of the public buildings in the city destroyed, King openly supported Madison's government, pushed New York Governor Daniel Tompkins to fund defensive improvements to New York's harbor, and pledged $20,000 of his own fortune for the defense of the country.[95] His violent disgust at what the British had done can be traced in the notes he kept on the law of war from this time period.

King understood that war brought harsh consequences that could not be predicted based on conditions that existed during peace. Jean-Jacques Burlamaqui, the Swiss legal theorist whose textbook epitomized many of the points made by natural law and law of nations thinkers of the seventeenth century, made this point for King. Tipped into the third volume of King's five volume set of Hugo Grotius's *De jure belli ac pacis*, King left behind a scrap note with the heading "In War," summarizing material from Burlamaqui's *The Principles of Natural and Politic Law*. At this point in the text, Burlamaqui reported Groitus's understanding of what is allowed in war. King record that "There are many things, which thô otherwise unlawful, are yet permitted in war, because they are necessary incidents, and inevitable Consequences of war. There are indeed few arts of war, from which Evil may not arise, irrelative to the motive of the act, and sum(?) ag^{t} the intention of the Agent." The quote is telling as it relates the harsh nature of war, but it still places certain acts beyond the pale. One of those was the indiscriminate burning of the capital by the British in August 1814.[96]

In a commonplace book, King condemned the British in harsh terms for operating outside established international laws of civilization. He deplored "the custom which exists … of burning all the Places we enter; because it is contrary to the Laws of war." He went on to proclaim that unless there was a necessity for such destruction, humanity should avoid it, as

these acts will create an unending circle of reciprocal violence. The British actions shocked King because it proclaimed America was outside the law of nations. Anyone found beyond the pale of that law could be treated in the most violent manner conceivable. By burning the capital, King feared the British were proclaiming that America was not a legitimate member of the community of nations that deserved civilized treatment. This required a forceful response, and afterward he supported all measures to combat the British and assert America's place among civilized nations.[97]

From the vantage point of the twenty-first century, the burning of Washington in 1814 barely registers as a crime of war, but King's proclamation that it was "contrary to our natural Sentiments" is a stark reminder that he was an eighteenth century figure who saw the world in Enlightenment terms. The terrible, all-consuming nature of the Napoleonic Wars was unsettling to King, who wanted to contain such rage in the future.[98] In an attempt to understand the violence occurring around him, he read the works of several Frenchmen.

First, he returned to Gaspard de Réal de Curban's *La science du gouvernment*. Under the heading "Lá Guerre," King noted that de Réal argued, "[t]he Equity, and Consent of Mankind have restrained the unlimited Right of war – and have deprived belligerent Nations of a Liberty that was equally injurious to them – And it is in virtue of this Express or tacit Consent of civilized nations, that the moderation observed towards enemies has arisen." As he expressed throughout his political career, King understood the nations of the world as being in a society of nations that followed certain rules that made up civilization. To emphasis this he recorded de Réal's comment that, "[t]he Law of war must not therefore be extended to Persons, or things, not comprized in the war. whether such appertain to Enemies to friendly People, or to neutral Nations." Without this mindset, the world would spiral out of control and the depraved side of

human nature would destroy the institutions that supported civilization. It was another example of his Federalist ideology at work.[99]

Charles-François Lefèvre, vicomte de la Mailladière's *Précis du droit des gens de la guerre* and Jean-Claude de Follard's *Polybe* rounded out his reading on the subject. Clearly full of vitriol toward the British, King record de la Mailladière's argument that "[a]s the Temples, the Tombs, the public Buildings, and all other works respectable for their Beauty, or their Rarity – It is only in cases of extreme necessity, such as the works of attack & Defence in case of Siege, or for the security of a Camp, that a general can be authorized to destroy Edifices of this Kind."[100]

For such acts, King argued the British would feel regret. King noted that de Follard related the anecdote that Louis XIV felt "deep remorse" for his utter destruction of the cities of Treves, Worms, Heidelberg, and Speyer in 1688. Follard also reported that during the War of Spanish Succession, Louis Joseph de Bourbon, Duke of Vendôme, wanted to destroy Venice by inundating the city with the Po River for allowing the Germans to pass through their territory. The French government refused a measure that, "would destroy a large District of Country." De Réal also reported that the French court "rejected with Horror" a project to destroy the dikes of the Netherlands and flood the nation. King did this reading to back up his belief that war should be limited in scope.[101]

Further condemnation of harsh war came from his reading of Rutherforth, Burlamaqui, and Vattel. Rutherford said that "nothing but the strongest necessity" would justify laying waste to a nation, "[f]or the civilized and thinking part of mankind will hardly be persuaded not to condemn, until they see the Necessity of the Act." King went on to quote Burlamaqui to prove that the British brought the war to a level the Americans never took it to. Using a pointing fist for emphasis, King recorded "The Right of war ag^{t}. the enemy, and which we pursue with arms,

ought not to be considered only in respect to the Cause which gave Rise to the War; but also with respect to the fresh Causes which happen afterwards, & during the Prosecution of the War." Vattel recommended "moderation and Clemency" to conquerors and condemned those who avoided this dictum "of making war like a Barbarian."[102]

Conclusion

Over a twenty-year period, from the time of neutrality proclamation to the burning of Washington, King turned to the law of nations as a source of managing the political and diplomatic problems of the early republic. His private collecting and reading of these texts was one of the most extensive activities in his public career. Ample evidence of King's use of the law of nations exists because he was concerned with America's place among the community of nations. One of the largest ideological drives of the early republic involved protecting America's place among other nations. One way to assert legitimacy was by following the universal rules described by law of nations sources. At times, that law was read in a self-interested way, but more often, King read the law of nations as if it was the law of nature and required an urgent moral defense.

From the early 1790s to the end of the end of the War of 1812, that moral defense required avoiding war in order to give the new republic time and space to mature, assuring its place among the nations of the earth. In this way, his private reading of Grotius, Pufendorf, and Vattel, among many other jurists of the seventeenth and eighteenth centuries, gave him important political and diplomatic clout at moments of crisis. King spent vast sums of money, time, and effort acquiring and using these texts, and it is impossible to come to an understanding of his political and diplomatic actions without considering it. King was realistic and knew America was not powerful enough to assert itself on the world stage, and that is why he turned to the law.

King looked to the abstract set of rules created in the law of nations and tried to convince others to abide by them without conflict. The goal was especially difficult to reach during the era of the French Revolutionary and Napoleonic Wars, and he turned to history to help manage what was a particularly severe upheaval in the Atlantic world.

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[1] Commonplace Book and Newspaper Scrap Book, ca. 1815-1825, tipped in and undated scrap note, RK Papers, Vol. 104, N-YHS.

[2] Mark Weston Janis, *America and the Law of Nations 1776-1939* (New York: Oxford University Press, 2011), 1. Early Americans used the term law of nations, but Jeremy Bentham invented the neologism "international law" in 1776.

[3] Anne-Marie Taylor, *Young Charles Sumner: And the Legacy of the American Enlightenment, 1811-1851* (Amherst: University of Massachusetts Press, 2001), 6; Leonard J. Sodosky, *Revolutionary Negotiations: Indians, Empires, and Diplomats in the Founding of America* (Charlottesville: University of Virginia Press, 2009), 4-7; David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2007), 6, 65. These historians have noted America wanted to independently join an already existing international system and one way to do so was by displaying respect for the rules of that community. By acknowledging and following the rules, a nation came closer to joining civilized society. This society was considered cultivated, just, and predictable.

[4] Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, MA and London: Harvard University Press, 2012); Daniel J. Hulsebosch and David M. Golove, "A Civilized Nation: The Early American Constitution, the Law of Nations, and the Pursuit of International Recognition," *New York University Law Review* 85 (2010): 932-1066, esp. 935-943. Hulsebosch and Golove argue that the ratification of the Constitution gave American international prestige because the new nation could finally fulfill its law of nations obligations; David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University Press of Kansas, 2003).

[5] John Fabian Witt has noted that the law of nations was a powerful tool during the Congressional investigations into Andrew Jackson's 1818 invasion of Florida because "powerful ideals lurked behind the political tactics." He went to say that the law of nations served a political purpose because a considerable number of people felt it was a significant set of rules. Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 106.

[6] Hendrickson, *Peace Pact*, 52. The idea of using Machiavellian ideology to manage foreign affairs startled a Revolutionary generation that admired Hugo Grotius and Emerich de Vattel.

[7] RK explicitly connects the law of nature and the law of nations at "The Defence, No. 23," *The* [New York] *Herald; A Gazette for the Country*, 14 November 1795 and "The Defence, No. 29," *The Herald*, 5 December 1795. Gould says the desire to be a treaty-worthy nation among nations was just as important an ideological drive as republicanism or liberalism. Gould, *Among the Powers of the Earth*, 11. On the law of nature's relation to the law of nations see Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (New York: Cambridge University Press, 1996), 61, 103, 286; Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions 1776-1814* (Madison, WI: Madison House, 1993), 22-24, 108-109; Arthur Nussbaum, *A Concise History of the Law of Nations* (New York: Macmilian, 1954) 61-79, 86-88, 107-109. For a general overview of natural law see A.P. d'Entrèves, *Natural Law: An Introduction to Legal Philosophy* (London: Hutchinson University Library, 1972); Paul E. Sigmund, *Natural Law in Political Thought* (Cambridge, MA: Winthrop Publishers, 1971); Benjamin Fletcher Wright, Jr., *American Interpretations of Natural Law: A Study in the History of Political Thought* (New York: Russell and Russell, 1962).

[8] Ware v. Hylton, 3 U.S. (3 Dall.) 199 (1796). RK defines the law of nations in notes he made during the Missouri Controversy in 1820 at RK Papers, Box 81, Folder 1, N-YHS. Also see Alexander Hamilton's detailed definition, which was probably discussed with RK, at "The Defence, No. 20," *The Argus, or Greenleaf's New Daily Advertiser*, 23-24 October 1795.

[9] Janis, *America and the Law of Nations*, 9.

[10] Edwin D. Dickinson "The Law of Nations as Part of the National Law of the United States," *University of Pennsylvania Law Review* 101 (October 1952): 27. Dickinson noted that the law of nations was absorbed by the common law in sixteenth century England. Sir William Blackstone later told this to his readers. See Stewart Jay, "The Status of the Law of Nations in Early American Law," *Vanderbilt Law Review* 42 (April 1989): 824; Janis, *America and the Law of Nations 1776-1939*, 2010, 2-3.

[11] Robert J. Reinstein, "Executive Power and the Law of Nations in the Washington Administration." *University of Richmond Law Review* 46 (January 2012): 375-456; Janis, *America and the Law of Nations*; Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions 1776-1814* (Madison, WI: Madison House, 1993); Daniel George Lang, *Foreign Policy in the New Republic: The Law of Nations and the Balance of Power* (Baton Rouge: Louisiana State University Press, 1985).

[12] Onuf and Onuf, *Federal Union, Modern World*, 147. They note that James Madison went to law of nations authorities, treaties, and court decisions to discover what Britain acknowledged as the legal boundaries of an issue. He then tried to argue that the British should stay within the confines of these legal standards. RK was using a similar strategy. Also see Philipp Ziesche, *Cosmopolitan Patriots: Americans in Paris in the Age of Revolution* (Charlottesville and London: University of Virginia Press, 2010), 2-3. Ziesche notes that using the law of nations was a way to allow a weak nation surrounded by enemies to maneuver. On American fears of being surrounded see Marie-Jeanne Rossignol, *The Nationalist Ferment: The Origin of U.S. Foreign Policy, 1789-1812*, trans. Lillian A. Parrott (Columbus: Ohio State University Press, 2004).

[13] Witt, *Lincoln's Code*, 81-83. Witt describes the small cadre of law of war and law of the sea experts in early America RK knew all of them, but was particularly friendly with Henry Wheaton, James Kent, Joseph Story, Jared Ingersoll, and Samuel Dexter.

[14] Michael H. Hoeflich, *Legal Publishing in Antebellum* America (New York: Cambridge University Press, 2010), 6, 21-22, 33; Hoeflich, *The 1846 Auction Catalog of Joseph Story's Library* (Austin: Jamil Center for Legal Research at the University of Texas, 2004), 7.

[15] RK copies of Hugo Grotius, *Of the Rights of War and Peace*, 3 vols. (London: Printed for D. Brown in Exeter Exchange in the Strand; T. Ward in the Inner-Temple Lane; and W. Meares at the Lamb without Temple-Bar, 1715); Grotius, *De Jure Belli ac Pacis* (Amsterdam: Ex Officina Westeniana, 1720); Grotius, *Le droit de la guerre et de la paix*, trans. Jean Barbeyrac (Leiden: Aux de'pens de la Compagnie, 1759); Grotius, *De Jure Belli ac Pacis Libri Tres … Commenatriis Insuper Locupletissimis Henr. L.B. de Cocceii*, 5 vols. (Lausanne: Sumptibus Marci-Michaelis Bousquet, & Sociorum, 1751-1752). RK copy of Samuel Pufendorf, *Le droit de la nature et des gens*, trans. Jean Barbeyrac, 2 vols. (Amsterdam: Chez Pierre De Coup, 1712). For a list of old law books RK sent to his son in Ohio see RK to Edward King, 6 September 1816, RK Papers, Vol. 1, Cincinnati Historical Society. This list includes "Vattels Law Nations." For the replacement, see RK's copy of Emerich de Vattel, *The Law of Nations, or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (Philadelphia: Printed and Published by Abraham Small, 1817).

[16] RK copies of Cornelius van Bynkershoek, *Quaestionum juris publici libri duo, quorum primus est de rebus bellicis, secundus de rebus varii argumenti* (Leiden: Apud Joannem van Kerckhem, 1737); Jean-Jacques Burlamaqui, *The Principles of Natural and Politic Law,* trans. Thomas Nugent, 2 vols. (London: Printed for C. Nourse, 1784); Thomas Rutherforth, *Institutes of Natural Law Being the Substance of a Course of Lectures on "Grotius de Jure Belli et Pacis*," 2 vols (London: Printed by J. Bentham, 1754-1756); Johann Gottlieb Heineccius, *A Methodical System of Universal Law: or, the Laws of Nature and Nations Deduced from Certain Principles, and Applied to Proper Cases*, trans. George Turnbull, 2 vols. (London: Printed for George Keith, 1763).

[17] Brian Richardson, "The Use of Vattel in the American Law of Nations," *American Journal of International Law* 106 (July 2012): 570; Janis, *America and the Law of Nations 1776-1939,* 38. Nussbaum also said, "[i]t matters little whether Grotius' views on these issues [treaties and neutrality] then represented the actual law of nations. To have Grotius on one's side in matters of international law is still an advantage." Nussbaum, *A Concise History of the Law of Nations*, 114.

[18] Onuf and Onuf, *Federal Union, Modern World*, 8-9.

[19] At the time RK attended Harvard, some of the most popular authors checked out of the library included Grotius, Rutherforth, and Burlamaqui. After 1783, Burlamaqui was made part of the college's official curriculum. See Thomas Jay Siegel, "Governance and Curriculum at Harvard College in the 18th Century" (PhD diss., Harvard University, 1990), 414-416.

[20] For an overview of the neutrality proclamation and the Genêt Affair, see Reinstein, "Executive Power and the Law of Nations in the Washington Administration" 373-392; Hulsebosch and Golove, "A Civilized Nation: The Early American Constitution, the Law of Nations, and the Pursuit of International Recognition," 1020-1040;

William R. Casto, *Foreign Affairs and the Constitution in the Age of Fighting Sail* (Columbia: University of South Carolina Press, 2006); Stanley Elkins and Eric McKitrick, *The Age of Federalism: The Early American Republic, 1788-1800* (New York: Oxford University Press, 1993), 330-354; Harry Ammon, *The Genet Mission* (New York: W.W. Norton, 1973).

[21] RK said, "[h]aving anxiously considered the point [dissolution of the 1778 treaty to support a proclamation of strict neutrality] respecting which we conversed when I was with you last, I hope you are founded in your opinions." RK to Alexander Hamilton, 24 April 1793, in Harold C. Syrett, ed., *The Papers of Alexander Hamilton Digital Edition* (Charlottesville: University of Virginia Press, Rotunda, 2011), accessed October 5, 2012, http://rotunda.upress.virginia.edu/founders/ARHN-01-14-02-0236. On RK sending an essay respecting the dissolution of the treaty, see footnote 9 of the above letter. The draft RK sent to Hamilton can be found at RK Papers, Box 4, Folder 1, N-YHS (hereafter cited as Box 4, Folder 1). For a printed version, which omits some of the manuscript draft, see *LCRK*, Vol. 1, 440-454.

[22] RK said, "nations as well as individuals are bound by their Bargains, and justice requires that they should perform them – if two nations enter into Engagements to afford mutual succour in case either sh[d]. be engaged in War; justice & good faith requires the performance." RK's strikeouts were omitted. Box 4, Folder 1.

[23] He noted four main points in his attempt to prove America could avoid its obligations: a 1779 French manifesto that denied American privateers access to French ports during the American Revolution, French attempts to undermine America during the 1783 peace treaty negotiations, the emergence of a new and dangerous government in France, and the offensive nature of the French Revolutionary Wars.

[24] On manicules, or pointing fists, see William ShermanRK's copy of Burlamaqui, *The Principles of Natural and Politic Law*, interventions at front flyleaf and pages 354-355. Underlining is RK's.

[25] RK copy of Gabriel Bonnot de Mably, *Le droit public de l'Europe, fondé sur les traits. Précédé des principles des negociations, pour servir d'introduction*, 3 vols. (Amsterdam: Chez Arkstée et Merkus, 1773). At the front flyleaf of vol. 1, RK wrote, "Disolution des Traites p 167 & 199 ☞ 200" also "201." On Mably see *Encyclopedia of the Enlightenment*, s.v. "Mably, Gabriel Bonnot de," by Thomas E. Kaiser, accessed 2 November 2012, http://www.oxfordreference.com/; Zoltán Haraszti, *John Adams and the Prophets of Progress* (Cambridge, MA: Harvard University Press, 1952), 116-120.

[26] RK copy of Mably, *Le droit public de l'Europe*, Vol. 1, 167. RK drew a double vertical line in the margin next to this passage, placed a manicule next to it, and underlined it. The original French was, "*car, personne n'ignore que la guerre dissoud les Traités précédens, & qu'il faut leur rendre leur force par une stipulation particuliere*." The translation is my own.

[27]Ibid., 199. RK drew a vertical line in the margin next to this passage. The original French was "*ou que l'une des Parties contractantes refuse d'en remplir quelqu'engagement.*" The translation is my own.

[28] Ibid., 199-200. Underlining is RK's. The original French was, "*Un traité qui n'est point ensuite rappelled & confirmé à la paix, continue à être sans force; c'est-à-dire, qu'un Etat n'est point en droit d'exiger que sa Partie en remplisse les engagemens qui restent à executer*. The translation is my own.

[29] Anne-Marie Burley "The Alien Tort Statute and Judiciary Act of 1789: A Badge of Honor," *American Journal of International Law* 83 (July 1989): 482-483. Burley notes that the law of nations was a moral imperative that involved national honor and to have peace and prosperity, a nation must live up to its pledges and engagements.

[30] Box 4, Folder 1, under the heading "Territory extent ther[e]of."

[31] All quotes from this paragraph can be found in Box 4, Folder 1.

[32] RK copy of William Wynne, *The Life of Sir Leoline Jenkins, Judge of the High-Court of Admiralty*, Vol. 2 (London: Printed for Joseph Downing, et al., 1724), marginalia at 751-752, 755-756. Wynne's work consists of two volumes, but only the second volume could be found at N-YHS. This book was uncataloged when it was examined.

[33] Box 4, Folder 1. See RK's copy of Titus Livius, *The Roman History Written in Latine by Titus Livius with the Supplements of the Learned John Freinshemius, and John Dujatius. From the Foundation of Rome to the Middle of the Reign of Augustus* (London: Printed for Awnsham Churchill, 1686). This copy might have been RK's father's because it contains an ownership inscription of "[e]x Libres Richarde King 1763," at the top of first page of the "Translator's Preface."

[34] For statistical background of the U.S. economy in the mid-1790s, see Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley: University of California Press, 1970), 25-26. For general background on the foreign affairs of the early 1790s and the Jay Treaty, see Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 196-199; George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (New York: Oxford University Press, 2008), 67-81; Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture*

(Amherst: University of Massachusetts Press, 2006); Todd Estes, "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate," *Journal of the Early American Republic* 20 (Autumn 2000): 393-422; Elkins and McKitrick, *The Age of Federalism,* 354-449; Joseph M. Fewster, "The Jay Treaty and British Ship Seizures: The Martinique Cases," *The William and Mary Quarterly* 45 (July 1988): 426-452; Richard Buel, Jr., *Securing the Revolution: Ideology in American Politics, 1789-1815* (Ithaca, NY: Cornell University Press, 1972), 54-71; Combs, *The Jay Treaty*; Samuel Flagg Bemis, *The Jay Treaty: A Study in Commerce and Diplomacy*, 2nd ed. (New Haven, CT: Yale University Press, 1962); Joseph Charles, "The Jay Treaty: The Origins of the American Party System," *The William and Mary Quarterly* 12 (October 1955): 581-630.

[35] RK noted that the "usual error" of Democratic-Republican critics of the treaty "is a false and magnified estimate of the comparative resources, strength, and importance of our Country." That being said, RK said the future prospects of the nations were boundless as "we are unquestionably able to meet a fair competition with any nation." "The Defence, no. 28," *The Herald*, 2 December 1795.

[36] For background on the publishing history of "The Defence" essays see "Introductory Note: The Defence No. 1," in Harold C. Syrett, ed., *The Papers of Alexander Hamilton Digital Edition*, (Charlottesville: University of Virginia Press, Rotunda, 2011), accessed October 15, 2012, http://rotunda.upress.virginia.edu/founders/ARHN-01-18-02-0305-0001. The first twenty-one essays appeared from July 22 to October 30, 1795 in New York in *The Argus, or Greenleaf's New Daily Advertiser*. After the editor Thomas Greenleaf complained of its length, the trio published the last seventeen numbers in *The Herald; A Gazette for the Country* from November 11, 1795 to January 9, 1796. The publisher and printer Francis Childs issued the first twenty-two essays by Hamilton in pamphlet form at some point at the end of November 1795, but RK's essays only saw publication in newspapers and periodicals. The pamphlet was printed as Camillus [Hamilton], *A Defence of the Treaty of Amity, Commerce, and Navigation Entered into between the United States of America & Great Britain, As It Has Appeared in the Papers under the Signature of Camillus* (New York: Printed and sold by Francis Childs and Co. and sold by James Rivington, 1795). The pamphlet was more than likely published at the end of November because "The Defence, No. 22" appeared on 11 November 1795 and it was advertised for sale in the Philadelphia *Aurora General Advertiser*, 5 December 1795.

[37] John Adams to Abigail Adams, 31 January 1796, *LCRK*, Vol. 2, 13.

[38] RK cared deeply about the words he put before the public as Camillus in 1795-1796. See RK's copy of *The American Remembrancer, or, An Impartial Collection of Essays, Resolves, Speeches, &c., Relative, or Having Affinity, to the Treaty with Great Britain*, 3 vols. (Philadelphia: Printed by Henry Tuckniss, for Mathew Carey, August 20, 1795-January 20, 1796). It is filled with markings and corrections of the "The Defence" essays. Most are corrections to printer's errors and cannot be interpreted further. RK's drafts for the "The Defence" essays can be found at Alexander Hamilton Papers, Reel 22, MSS18,482, Library of Congress. RK retained drafts of "The Defence" No. 23 and 24 at RK Papers, Box 6, Folder 1, N-YHS. All of RK's essays were printed in *The* [New York] *Herald; A Gazette for the Country*, from 14 November 1795 to 26 December 1795. The newspaper articles were checked against the manuscript drafts, but the differences were slight and did not affect RK's meaning. All citations in this chapter will come from the newspaper versions of the essays. For printed versions of all thirty-eight of the essays see John C. Hamilton, ed., *The Works of Alexander Hamilton*, Vol. 7 (New-York: John F. Trow, 1851), 172-528. All of Hamilton's essays can be read at Harold C. Syrett , ed., *The Papers of Alexander Hamilton Digital Edition* (Charlottesville: University of Virginia Press, Rotunda, 2011), but Syrett only published one of RK's essays, "The Defence, No. 25." This essay had extensive notes from Hamilton.

[39] Alexander Hamilton to George Washington, "Remarks on the Treaty of Amity, Commerce, and Navigation Lately Made between the United States and Great Britain," 9-11 July 1795 in Harold C. Syrett , ed., *The Papers of Alexander Hamilton Digital Edition* (Charlottesville: University of Virginia Press, Rotunda, 2011), accessed 6 September 2012, http://rotunda.upress.virginia.edu/founders/ARHN-01-18-02-0281. In the margin next to a paragraph on the ninth article, Hamilton wrote, "Mr. King who has critically examined this point is of opinion that it does not apply to such cases." This ultimately made its way into "The Defence, No. 17," *The Argus*, 22 September 1795.

[40] RK said, "I expected sooner to have answered your enquiries respecting the conduct of France at the period of our negotiation for Peace with England, but I have been disappointed in my search for an abstract of this negotiation which I drew up from the original documents many years ago. Having occasionally lent papers of this sort, and particularly to Col. Hamilton, I fear that I have lost this with others. I however send you (with the request that you will return it to me) an abstract of Mr. Jay's mission to Spain, together with a *precis* of so much of the negotiation at Paris as occurred before Mr. Adams joined the Commission. I likewise add the copy of a note of References to ministerial appointments and instructions by Congress, which may throw some light upon the subject of your enquiry" at RK to Timothy Pickering, 15 January 1809, *LCRK,* Vol. 5, 125-126; RK also noted, "I have among my

Papers sundry loose notes, taken at different times, & on various subjects, decided by the old Government, but they are not with me here & besides they are only catch words by which I am enabled to recollect particular Transactions," RK to Noah Webster, 20 December 1795, Noah Webster Papers, Reel 2, New York Public Library; Also see manuscripts of "The Defence" essays in Alexander Hamilton Papers, Reel 22, Library of Congress for RK's edits and notes. RK offered substantial comments for "The Defence, No. 17," and a brief comment for "No. 33." For RK's notes on issues discussed in Hamilton's essays see RK Paper, Box 27, Folder 5, N-YHS (hereafter cited as Box 27, Folder 5). RK has notes on the Silesia loan of 1753, comments on Alexander the Great's delivery of land to the Thebans, and on confiscation of debts, all of which Hamilton wrote about in "The Defence, No. 20." Also see notes on the use of commissions in the Treaty of Utrecht that were used in "No. 12." See RK copy of *Letters and Negotiations of the Count D'Estrades, Ambassador from Lewis XIV to the States-General of the United-Provinces of the Low-Countries. From the Year 1663 to the Year 1669*, Vol. 3 (London: Printed for D. Browne, et al, 1711). Marginalia in the volume shows that he was examining issues on the restoration of slaves after a war, which was a topic of discussion in "The Defence No. 3." See front flyleaf where RK wrote "286 Restoration of Slaves to Slavery." On page 286, D'Estrades wrote about negotiations between the English and the French in 1667. The French promised slaves who fought with them freedom and they argued to the English that to deny this would "violate in some sort the Law of Nations."

[41] RK to unknown, but probably William Coleman, February 1817, *LCRK*, Vol. 2, 13.

[42] RK's copy of Titus Livius, *The Roman History*. Plutarch's *Lives* is not recorded in any of RK's library catalogs. John Alsop King wrote to his father in 1801 and asked, "[s]hall we send home our [John and his brother Charles were studying at Harrow in England] plutarchs as you intend to send us a new copy[?]" RK to John Alsop King, 22 November 1801, Rufus King Domestic Letter Book 1799-1803, Erving-King Papers, Box 24, Folder K53, N-YHS. While this not evidence of King's reading of Plutarch, the implication is that RK was familiar with the text.

[43] Ron Chernow, *Alexander Hamilton* (New York: Penguin, 2004), 493. Chernow says Hamilton picked Camillus because the general was a wise and virtuous man who was misunderstood by the people, but who had their interests at heart. He spoke truth with candor and at one point in his life left in exile because of it, but he was recalled to help Rome when it most needed him.

[44] RK copy of Titus Livius, *The History of Rome*, 6 vols., trans. by George Baker (London: Printed for A. Strahan, and T. Cadell Jun. and W. Davies, 1797). See vol. 3, front flyleaf. The late 1800-early 1801 date comes from a marginal vertical line and manicule pointing to a passage at vol. 4, page 12 that seems to be made in reference to the election of 1800: "Besides, the former had now, for almost ten years, been continually in people's sight; which circumstance, by the mere satiety which it creates, diminishes the reverence felt for great characters." The former was Quintus Caecilius Metellus, whose fame was greater, but Scipio Africanus' fame was more recent as he had triumphed in consul elections in 205 B.C. RK seems to be referencing the fall of the Federalists in the November 1800 elections to the triumphant Republicans.

[45] Titus Livius, *The History of Rome*, Vol. 3, 227-228. The words "Such is" are on page 227 and not underlined, but the rest of the passage was underlined by RK.

[46] Fisher Ames to Jeremiah Smith, 18 January 1796, *Works of Fisher Ames*, ed. Seth Ames, Vol. 1 (Boston: Little, Brown and Company, 1854), 183.

[47] Matthew Rainbow Hale, "On Their Tiptoes: Political Time and Newspapers during the Advent of the Radicalized French Revolution, circa 1792–1793," *Journal of the Early Republic* 29 (Summer 2009): 191-218.

[48] For Blackstone see "The Defence, No. 17." See RK's copy of William Blackstone, *Commentaries on the Laws of England*, with notes and additions by Edward Christian, 4 vols. (London: Printed by A. Strahan and W. Woodfall, Law-Printers to the King's Most Excellent Majesty, For T. Cadell, in the Strand, 1793-1795). For Argou see "No. 17." RK's copy of Gabriel Argou, *Institution au droit François*, 2 vols. (Paris: Chez Desaint, Libraire, 1771). In notes RK made for Hamilton on the draft for "The Defence, No. 17," he wrote that "Argou's institutes is a work of authority and is with french Lawyers what the Commentaries of Blackstone is with us," at Alexander Hamilton Papers, Reel 22, Library of Congress; for Coke see "No. 11," "No. 17," and "No. 18." RK did not have a copy of Sir Edward Coke's *The Institutes of the Lawes of England*, but he did own Edward Coke and Thomas Jones, *The Booke of Entries: Containing Perfect and approued Presidents of Counts, Declarations, Informations, Plients, Inditements, Barres, Replications, Reioynders, Pleadings, Processes, Continuances, Essoines, Issues* (London: Printed for the Society of Stationers, 1614). For Montesquieu see "No. 18" and "No. 23." RK did not own any works by Montesquieu at the time of his death. For Grotius see "No. 14," "No. 16," "No. 20," "No. 21," "No. 32," and "No. 33." For Pufendorf see "No. 6" and "No. 19." For Rutherforth see "No. 29" and "No. 33." For Vattel see "No. 15," "No. 16," "No. 20," "No. 21," "No. 22," "No. 23," "No. 29," "No. 31," "No. 33," For Heineccius see "No. 29" and "No. 32." For Bynkershoek see "No. 16," "No. 18," "No. 20," "No. 29," and "No. 33."

[49] Quote from Box 27, Folder 5. RK's manuscript list in his notes is in a vertical column. RK owned two copies of Charles Jenkinson's pamphlet: *A Discourse on the Conduct of the Government of Great Britain, in Respect to Neutral Nations* (London: Printed for T. Cadell, Jun. and W. Davies, 1801) and *A Discourse on the Conduct of the Government of Great- Britain, in Respect to Neutral Nations, During the Present War* (London: Printed for R. Griffiths, 1758).
[50] Jenkinson, *A Discourse on the Conduct of the Government* (1801), 13.
[51] See "The Defence, No. 23," "No. 29," and "No. 30."
[52] RK's copy of Burlamaqui, *The Principles of Natural and Politic Law*, Vol. 1, intervention in the text at 58-59.
[53] Ibid., 58-59. The word "evidence" next to the Seneca quote can be found at 59. The line in italic in the body of the text above is where the word "evidence" was written in the margin. The original quote as published by Burlamaqui was in Latin. Translation from Latin at L. Anneaus Seneca, *On Benefits,* trans. Aubrey Stewart (London: George Bell and Sons, 1887), 115.
[54] "The Defence, No. 33," *The Herald*, 14 November 1795.
[55] Ibid.
[56] Ibid.
[57] Ibid.
[58] "The Defence, No. 25," *The Herald*, 18 November 1795.
[59] RK's copy of Tench Coxe, *A View of the United States of America* (Philadelphia: Printed for William Hall and Wrigley and Barriman, 1794), 184. Coxe said America could build a ship with native live oak and cedar for $33-35 per ton, fully fitted, while European competitors would have to spend $55-60 per ton.
[60] "The Defence, No. 29," *The Herald*, 2 December 1795.
[61] RK's notes only record the beginning of this sentence in Latin, "Ea autem consulta non sum, qui videam, eur non &c." Box 27, Folder 5. This is found in Bynkershoek, *Quaestionum juris publici,* Chapter 14. It is titled, "Concerning Enemy Goods Found in Neutral Ships." This is discussed in "The Defence, No. 29," *The Herald*, 5 December 1795.
[62] Box 27, Folder 5. Also quoted in "The Defence, No. 29."
[63] "The Defence, No. 29." RK's footnotes of the printed essay note that the Vattel material comes from Book 3, Chapter 7, Sections 114-116. In his notes he marked them as coming from "Vat. Lib. 3 C. 7. 114," and "Vat. 507. Lib. 3. C. 7. S. 115." He noted "Search of Ships – Contraband lawful Prize – search necessary to discover them – Vattel 'A neutral ship refusing to be searched w^{d}. from that Circumstance proceeding alone be condemned as lawful Prize –' Vat. 507."
[64] Livingston wrote sixteen articles as Cato in *The Argus, or Greenleaf's New Daily Advertiser* from July-September 1795.
[65] RK recorded that Livingston wrote "This Catalogue of Contraband is to be found in Treaties nearly 150 years back for that notwithstanding a loose expression in Vattel, relative to naval Stores, we may consider it as now settled by the uniform acknowledgement of Nations, as expressed in these Treaties, that contraband must in its nature be confined to military Stores." The underlining is RK's, and he sought to refute this. Box 27, Folder 5.
[66] Box 27, Folder 5.
[67] "The Defence, No. 30," *The Herald*, 9 December 1795.
[68] Box 27, Folder 5; Also see RK's copy of George Chalmers, *A Collection of Treaties between Great Britain and Other Powers*, 2 vols. (London: Printed for John Stockdale, Piccadilly, 1790). Volume 1 has marginalia at 93, 145, and 530, as well as a dog-eared page at 395. Volume 2 has marginalia at 19 and a dog-eared page at 276; RK's copy of *A Compleat Collection of all the Articles and Clauses which Relate to the Marine, in the Several Treaties Now Subsisting between Great-Britain, and other Kingdoms and States* (London: Printed for H. Whitridge under the Royal-Exchange, 1760), marginalia at xxxiv, xxxv, and dog-eared page at 222.
[69] RK had an "8 vol." edition of "Science du Gouvernement par Real" according to Inventory of Rufus King Library, RK Papers, Vol. 74, N-YHS (hereafter cited as Vol. 74). Only volume 1 of the 8 volumes was found among RK's uncataloged books. See RK's copy of Gaspard De Réal de Curban, *La science du gouvernement*, Vol. 1 (Paris: Chez les Libraires Associés, 1762). All 8 volumes were published from 1762-1764. Presumably the others exist somewhere in N-YHS; RK owned a copy of "Memoirs touchant les Ambassadeurs" according to Vol. 74. See Catalog of the King Library, ca. 1906, 8 vols., N-YHS Archive, N-YHS, for the full citation. The microfilm copy at King Manor Museum, Jamaica, New York was consulted. RK copy of Abraham de Wicquefort, *Memoires touchant les ambassadeurs; et les ministres publics* (Cologne: chez Pierre du Marteau, 1677). This volume could not be found at N-YHS; For background on Wicquefort see, Maurice Keens-Soper, "Abraham de Wicquefort and Diplomatic Theory," *Diplomacy & Statecraft* 8 (1997), 16-30.

[70] RK Papers, Box 27, Folder 7, N-YHS (hereafter cited as Box 27, Folder 7). All De Réal quotes can be found under the heading "De Real Vol. 5."
[71] Box 27, Folder 7. Found at De Réal, Vol. 5, "318." Underlining is RK's.
[72] Ibid., but from pages "318-319" of Vol. 5.
[73] Box 27, Folder 7. RK noted this came from "Wiq. 285."
[74] On RK and impressment from 1796-1803 see Robert Ernst, *Rufus King: American Federalist* (Chapel Hill: University of North Carolina Press, 1968), 235-240, 277.
[75] RK was still active politically during this decade. He continued to correspondence with Federalist leaders in Washington, D.C., was the Federalist Party candidate for vice president in 1804 and 1808, and ran for a seat in the New York State Assembly in 1807.
[76] Commonplace Book, ca. 1803-1818, RK Papers, Vol. 77, N-YHS (hereafter cited as Vol. 77). This commonplace book contains two sets of notes. One half contains a copy of the Louisiana Purchase Treaty of 30 April 1803. RK copied the French version of the treaty on 9 September 1803 in New York. RK flipped the notebook over and began a commonplace book in the other half. The commonplace entries are difficult to date, but the last entries make reference to "☞ Madison & com^{te}. of y Senate." The extracts under this heading make reference to two episodes in English history, the first from "Rapin V. 7. p. 124," which describes a House of Commons committee asking Queen Mary to not marry a foreigner and the other from "D'ewes 104 – Rap. V.7. p. 274," which notes Lord Keeper of the Great Seal, Sir Nicholas Bacon, was sent by the House of Lords to ask Elizabeth to take a husband after the birth of James, son of Mary of Scotland. These entries likely reference the creation of a Senate committee deputed to confer with President James Madison on the selection of Jonathan Russell as Minister Plenipotentiary to Sweden in June 1813. RK was on the committee, but Madison refused to meet with the senators. See RK copy of Paul Rapin de Thoyras, *The History of England*, trans. N. Tindal, 21 vols. (London: Printed by Assignment from Mr. Knapton, for T. Osborne, et al., 1757-1759). RK also referenced Sir Simonds d'Ewes' *The Journals of all the Parliaments during the Reign of Queen Elizabeth*, but no copy of that work appears in any of his library catalogs. In addition, the commonplace book references "English Money & Finance 1813 – July / Lord Lansdale's Speech," the debate in the House of Commons on Spain's colonies in March 1817, as well as "the Eng. Alien Law in 1818," under the heading "English Naturalization." The Alien Law was signed on 10 June 1818. Also see Michael H. Hoeflich, *Roman and Civil Law and the Development of Anglo-American Jurisprudence in the Nineteenth Century* (Athens University of Georgia Press, 1997), 1-8. Hoeflich notes that while Continental civil law was not part of the common law of the Anglo-American world, it was studied in America as the basis of the law of nations.
[77] Vol. 77.
[78] On impressment, citizenship, and subjecthood see Denver Brusnman, "Subjects vs. Citizens: Impressment and Identity in the Anglo-American Atlantic," *Journal of the Early Republic* 30 (Winter 2010): 557-586, esp. 572-573; Paul A. Gilje, "'Free Trade and Sailors Rights': The Rhetoric of the War of 1812," *Journal of the Early Republic* 30 (Spring 2010): 1-23; Paul A. Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution* (Philadelphia: University of Pennsylvania Press, 2004); James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: University of North Carolina Press, 1978); Bradford Perkins, *Prologue to War: England and the United States 1805-1812* (Berkeley: University of California Press, 1974); James Fulton Zimmerman, *Impressment of American Seamen* (1925; repr., Port Washington, NY: Kennikat Press, 1966).
[79] RK to Lord Grenville, 30 November 1796, *LCRK*, Vol. 2, 114.
[80] See note 76 above.
[81] Vol. 77. RK cited Blackstone, *Commentaries*, Vol. 1, 266.
[82] Vol. 77. RK cited "Grotius of war & peace. B. 2 Cap. 5 Sect. 24." RK noted that the quote from Plato could be found in "Criton page 51. 2d^{n}. Sarran," which is likely a reference to Plato's dialogue *Crito*. This reference could not be further identified.
[83] RK also noted that, "[i]f Custom has established nothing upon this subject, and no notice is taken of it, in the Compact by which we are bound to obey the State; there is room to presume, that every free man is entering into a civil Society, tacitly reserves to himself the Liberty of withdrawing, from it whenever he would – and that he did not intend to bind himself to a Residence during Life, but rather that he always considered himself a Citizen of the World – &c. &c. &c." Vol. 77, under the heading "Emigration / Puffendorf."
[84] Undated essay written just before the War of 1812 on foreign affairs, *LCRK*, Vol. 5, 141.
[85] Commonplace Book, ca. 1802-1803, RK Papers, Vol. 75, N-YHS. RK noted that this came from "5 Gib. 217."
[86] Ernst, *Rufus* King, 320-321; Henry Adams, *History of the United States of America During the Administrations of Thomas Jefferson* (New York: Library of America, 1986), 653.
[87] Commonplace Book, ca. 1814-1819, RK Papers, Vol. 76, N-YHS (hereafter cited as Vol. 76).

[88] RK's copy of *State-Tracts. In Two Parts. The First Part Being a Collection of Several Treatises Relating to the Government, Privately Printed in the Reign of King Charles II. The Second Part Consisting of a Farther Collection of Several Choice Treatises Relationg to the Government, From the Year 1660. to 1689* (London: Printed, and are to be sold by Richard Baldwin, 1693), marginalia at 378.
[89] Ibid., 368.
[90] William Louis Ewbank, "Rufus King and the War of 1812" (master's thesis, University of Washington, 1966), 61.
[91] Ibid., 39-40.
[92] Ibid., 42.
[93] Gould, *Among the Powers of the Earth*, 19; Commonplace Book, ca. 1819-1820, tipped in sheet probably from 1812-1813, RK Papers, Vol. 101, N-YHS. This can be found under the heading "War." RK noted that this came from "Blk. 1. 461."
[94] Edward Everett, "Eighteen Hundred Fourteen," *Old and New* 7 (January 1847), 55. Everett reported that RK remembered the darkest hours of the Revolution but "he recollected no period so gloomy as that of November, 1814."
[95] Ernst, *Rufus King*, 334-336.
[96] RK copy of Grotius, *De jure belli ac pacis*, Vol. 3, tipped in sheet quoting Burlamaqui can be found at pages 296-297. RK noted that the quote was from "Burlemaqui [sic] 2. 274." See RK's copy of Burlamaqui, *The Principles of Natural and Politic Law*, Vol. 2. This volume has no marginalia on page 274.
[97] Vol. 76. RK noted this came from "de Ville."
[98] Ibid.
[99] Ibid., under heading "Lá Guerre."
[100] Vol. 76.
[101] Ibid.
[102] Vol. 76, from "Burlemaque [sic] 2^{d}. 274." Underlining is RK's. It also appears that RK was reading Hugo Grotius, *De jure belli ac pacis* Vol. 3, when this commonplace book was created. See note 96 above.

CHAPTER 3: Rufus King's Diplomatic Reading

"It is dangerous to entrust the conduct of Nations to men who have learned from their profession to consider reason as the instrument of dispute, and to interpret the Laws according to the dictates of private interest:" &c

-Rufus King Commonplace Book, ca. 1802[1]

While reading Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* in 1802, Rufus King preserved this passage under the heading "Lawyers" in a commonplace book and underlined the portion on the conduct of nations. He was close to the conclusion of his mission as the American Minister Plenipotentiary to Great Britain. The material that the "&c" referred to was quite controversial. Gibbon continued by noting, "the mischief has been felt, even in countries where the practice of the bar may deserve to be considered as a liberal occupation. But, in the degenerate state of Roman manners, the elevation of lawyers to the most important offices of civil government, was pregnant with mischief and dishonour." The passage was very harsh and even Gibbon felt he had gone too far and toned it down in a cancel in the middle of the print run, but the original composition eventually became known to the public.[2] Why did King preserve this passage?

On the one hand, it is possible to argue that King recorded it because he disagreed with it. He was a trained lawyer defending the interests of his country at the time. It challenged every aspect of his identity. But King's biographer, Robert Ernst, was closer to the mark when he said King saved this snippet because it "appealed to his deep sense of responsibility."[3] When the commonplace book is considered a whole, it is clear he recorded it as a warning to himself to act in the best interest of his country in a time of crisis. A nation was only legitimate if it operated as an honorable member of the international realm, and this passage reminded him that he had to think beyond his own interests and those of his party. When King was abroad, he defended national legitimacy and his seriousness can be demonstrated through an analysis of his reading.

What Ernst mentioned in passing is the key to understanding King's convictions while representing the United States during the French Revolutionary and Napoleonic Wars.

This chapter will examine two styles of reading King used to interpret and manage the problems he encountered as a diplomat. The first style was a strategic form of reading.[4] Strategic reading meant seeking out texts that could help him think about larger issues of ideology, national interest, and the long-term consequences of the struggle for supremacy in Europe. In this way, reading was a tool to help King be a better statesman and understand the unusual political, diplomatic, and military circumstances of the Atlantic world in the late eighteenth and early nineteenth centuries. He turned to ancient history for wisdom during the turmoil of the French Revolutionary and Napoleonic Wars, specifically reading a large part of Gibbon's *Decline and Fall*.[5]

The other style of reading was tactical. As opposed to trying to make sense of the larger world through strategic reading, this type of study took place on a smaller scale and was used to manage issues that materialized as King directed American foreign policy in Great Britain on a daily basis. He read tactically to acquire knowledge for a specific end, namely to defend assertions he made to his diplomatic counterparts, to find evidence to assist American seaman and merchants entangled in the British legal system, and to gather intelligence of shifting European policies. Most importantly, he turned to the Italian jurist and maritime law authority Domenico Alberto Azuni, whose work defended the rights of weak neutral nations to trade with belligerents. King extensively annotated his two-volume French edition of 1798, *Systême universel de principes du droit maritime de l'Europe*, a work originally published in Italian in 1795. Azuni attempted to collect the details of maritime law that Hugo Grotius, Samuel Pufendorf, and Emerich de Vattel overlooked as they focused on issues of war, peace, treaties,

sovereignty, and ambassadors.[6] King used Azuni's text to reflect on the freedom of the high seas, blockades, contraband, and seizures, which were all major problems he had to negotiate while in London. The volumes contain the greatest amount of marginalia discovered in the King library up to this point. King read Azuni's text around the same time as he turned to Gibbon's *Decline and Fall*, and allows for a consideration of the dual nature of King's diplomatic reading.

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After the ratification and subsequent funding of the Jay Treaty, King requested and was appointed the American Minister to Great Britain in 1796. After helping win the political battle for the treaty, he became the diplomat responsible for implementing it in London. By all accounts, King was a skilled diplomat who helped preserve peace and defend American legitimacy abroad during a critical time. When he was in London he had to think as a statesman and not a politician. His mission was more important than personal concerns or factional intrigue and that was at the forefront of his mind. He summed up his thinking about what it meant to be a nation's representative abroad by asking Elbridge Gerry, "[i]s not the main end of every Embassy the promotion and confirmation of the public Interest and Safety?"[7]

While in England, King had to be flexible enough to deal with a variety of issues. First and foremost was the protection of American neutral rights during the war. King was constantly formulating lists of impressed sailors who were arguably American citizens and assisting merchants maneuver their way through the admiralty courts in the hopes of receiving compensation for illegal seizures. King had to deal with these issues with vigor in order to protect American sovereignty, which had only recently been acknowledged in the 1783 peace treaty and reaffirmed under the Jay Treaty. King also unsuccessfully pressed the British to agree to a specific definition of contraband and to provide a list of rules they would follow to impress

sailors. In most instances, the British disregarded American neutral interests during the war, although they understood that placating their former colonies was necessary on occasion. For instance, they offered Royal Navy escorts to American ships during the Quasi-War with France, allowed American ships to trade with French and Spanish Caribbean colonies as long as the goods were first taken to an American port before going to Europe, and after the decision of the case of the ship *Polly* in 1800, the admiralty courts made it more difficult for British ships to legally capture American ships. But in general, the British did what they needed or wanted to do during these years, and King knew he could do little to change their course. Taking a realistic assessment, King noted the only "[r]emedy must proceed from what is the only security of property between Nations; the Power to protect it – if we entertain other Speculation on this Subject we are our own Dupes, and the Experience of past Times is lost upon us!"[8]

More successfully, he worked with the commission formed under the seventh article of the Jay Treaty to negotiate a settlement for the ship seizures of November 1794. After initial setbacks, the two nations came to an amicable agreement in 1804, whereby the Americans received $6 million in compensation and the British $110,000. In addition to these primary issues, King dealt with important, and often troublesome, ancillary issues like the settlement of the Maine-Canada borderline, procuring jewels to pay for the peace with the Barbary States, blocking the emigration of the leaders of the 1798 Irish rebellion to America, procuring thousands of rifles for the New York militia, finding and returning the archives of Georgia and Western Florida captured during the Revolutionary War, and managing the Maryland Bank Stock transfer. The last on this list involved pre-Revolutionary War purchases of Bank of England stock by the colony of Maryland. King worked on transferring this stock to the state of Maryland for most of his time abroad, but the deal was not completed until 1804. Beyond

Britain, King had to advise other diplomats, understand events in France, procure up-to-date information on foreign politics, and send dispatches on the war back to America. In many instances books were helpful tools as King attempted to find solutions to the problems presented to him in London and this helps explain the large collection of print he amassed as a diplomat.[9]

King rode into London on July 23, 1796 after an uneventful four-week voyage across the Atlantic with his wife, four young sons, and half-brother Cyrus King, who was the legation's secretary for the first year. The new American minister replaced the South Carolinian Thomas Pinckney and began work to normalize relations during a time of deep conflict in Europe.[10] King had a large group of Americans to fill out his social circle, with a variety of diplomatic officials and merchants passing through the metropolis.[11] Christopher Gore, King's close friend, political ally, and a member of the Jay Treaty's seventh article arbitration panel, arrived before the Kings and probably arranged for their first residence at 18 Baker Street. The Kings lived there for four months until they found lodgings at 1 Great Cumberland Place, near the northeast corner of Hyde Park, where they would remain until they returned to American in May 1803. The house was King's base of operations and provided living space for his family, accommodated guests, and afforded a space for King to study. He had the house outfitted with furniture and mirrors from Paris and dinnerware from high-end merchants in London.[12] But the library he collected over the course of seven years would prove to be the most valuable combination of purchases, in both economic, cultural, and genteel terms, he would make abroad.

London was the fashionable hub of book buying in the English-speaking world, and King lived within two miles of the central concentration of late eighteenth century retailers on the Strand in the neighborhoods of the West End, Westminster, and Piccadilly. In addition to those shops, King probably patronized the law booksellers and used bookshops on Fleet Street, just

east of the Strand, near the Inns of Court. The core of the wholesale and publishing side of the industry, including magazine and periodicals, centered upon Stationers Hall on Paternoster Row and the area around St. Paul's Cathedral, about three miles from King's home.[13] King could have purchased the wares of well-known booksellers Thomas Cadell and William Davies, James Robson, John Bell, George Robinson, Thomas Longman, Charles Dilly, John Murray, James Lackington, and many lesser known figures, simply by walking to their stores.[14]

King spent a massive amount of money on books, taking advantage of both his location and newly bolstered fortune. John Alsop, King's father-in-law, died in November 1794, leaving behind a considerable estate, estimated at £50,000. Mary Alsop King, Rufus's wife, was Alsop's only child and they received everything, including real estate in Manhattan and several slaves. Much of the money was loaned at interest to merchants and acquaintances, and King continued this financial strategy, adding government bonds and bank stock to his portfolio. While King never lacked for money, and was building a $27,500 house in lower Manhattan at the time of his father-in-law's death, the Alsop estate provided him with a level of wealth that allowed him to significantly invest in cultural gentility in a way that would have been impossible before.[15]

He would need the money as book prices were on the rise during the war. As mentioned earlier, King owned just over 3,700 volumes at the time of his death in 1827. He seems to have purchased more than half of those volumes while abroad, most in London, but with large secondary purchases from Paris and smaller purchases from bookstores in the Low Countries, Germany, Switzerland, and the provinces of France during a visit to the Continent in 1802.[16] King not only bought volumes at traditional shops, he sought out antiquarian bookshops, bought books and manuscripts from the estate auctions of London gentlemen who died while he was abroad, and received presentation volumes from many authors and publishers.[17] In addition,

King bought thousands of pamphlets in London, purchased and received newspapers from all over Great Britain, the Continent, and America, and formed a large map collection.[18] If a book could not be found to buy, King was known to borrow volumes from circulating libraries.[19] King was at the hub of a vast moving network of print that was both private and public.

King not only bought books for himself while in London, he acted as an agent for government officials, other diplomats, and friends, sending massive amounts of print back to America and to the Continent.[20] To make proper political decisions, particularly in the midst of a foreign war, information is crucial, and King provided his superiors and colleagues with the highest quality news. While King developed a strong network of confidants amongst members of the British government, which seems to have fed him updates on troop movements on the Continent, he also collected print of all types to send home, first to Philadelphia and then Washington. King assembled bundles of newspapers and important pamphlets for the government. At the high rate of 6 pennies per issue, King spent a small fortune each year to keep his superiors informed.[21] Unsurprisingly, Secretary of State Timothy Pickering received the bulk of the material, but the Secretary of War, James McHenry, also received large amounts of print. McHenry wanted to have the most up-to-date information for the American military and he asked King to procure anything that might be of interest.[22] But these purchases were small in comparison to the collection he amassed for himself, and he was willing to spend heavily to acquire the materials he wanted. Just one example will show the immense fortune he spent to amass his collection. King owned an elephant folio copy of classical engravings titled *Roma Sotterranea Opera*, published in 1632. If the £45 price on the verso of the front flyleaf can be trusted, then this book can be valued at close to two-thirds of the yearly wage of a day laborer on a farm in America in the early republic.[23]

King never wrote about a single trip to a bookstore while in London and no receipts survive. His correspondence and other writings are almost entirely official in nature and only infrequently reference book purchases. If we can take the alacrity King displayed while going to bookstores in Holland as a standard, we can assume he made frequent excursions to the shops of London to find the volumes he needed or wanted.[24] A marginalia note he left on an exhibition pamphlet for a display of what was supposedly Oliver Cromwell's head in February 1799 can demonstrate that King was accustomed to walking around the city and making unplanned stops. He wrote on the verso of the title page that "Passing thrô Bond Street this morning I called to look at the Head exhibited as Cromwells; It is more than a fortnight since this exhibition commenced, and the Person who shews [sic] the Head informed me that not more than ten or twelve Persons a day had seen it." King compared the preserved head with a medal on display and expressing skepticism, asking, "if the Head was a long time exposed in West[r]. Hall why is the Hair, & the exterior of the Head so entire?"[25] Noting the quality of King's books that survive, King no doubt took the same level of care when considering his book purchases.

These books purchases not only played a direct role in helping King formulate arguments with his diplomatic counterparts, they also helped him indirectly by giving him cultural cache. In theory, Nicholas and Peter Onuf are correct when they say any diplomat's "identity and voice [is] assured by their positions in governments as agents of states in relations with other states."[26] A diplomat's status under the law of nations is an obvious component of his identity, but it must be understood that men like King cannot be successful unless they can use soft power as well. King's Federalist politics and proclivities for the British made his entrance into the former Mother Country smoother. That he was discreet, had a vivacious wife, and was an Episcopalian certainly helped, but his reading opened doors for him. King knew classical and modern history,

had a deep grasp of law and philosophy, but also kept abreast of the latest newspapers and pamphlets. He could speak on any subject of current interest in just the right way in order to gain the trust of his listener. This held true for his diplomatic counterparts as well as cultural figures in Britain. Years after his return, he told a biographer, "I lived more intimately with the public men of England, as well those of the opposition as of the Govt., than any other foreigner of my time. I frequented the society of literary men, & have been in correspondence with several of the most distinguished civilians of the old world."[27] While it is clear King made great efforts to acquire books and pamphlets while in London, it was the use he made of them that confirms their importance in his diplomacy.

King's Commonplace Books

During the last half of his ministry in London, King kept two commonplace books that offer an exceptional view into the attitudes, anxieties, and priorities of an early American diplomat in a turbulent era of warfare, revolution, and social upheaval. The books contain manuscript extracts of his reading of Gibbon's *Memoirs* and *The History of the Decline and Fall of the Roman Empire*, Conyers Middleton's *History of the Life of Marcus Tullius Cicero*, as well as a small number of extracts from the works of Homer, Cicero, and Suetonius. King's reading of these works was slow, careful and involved intense study. He used the commonplace books to record advice on how to be the best possible statesman, to explore questions of political philosophy, and to make sense of the ever-shifting political and diplomatic scene of the French Revolutionary and Napoleonic eras. The commonplace books are examples of active reading where meaning is appropriated, personal identity built, and complicated responses to problems developed. Even more than his letters and diaries, with their official tone and guarded style, the commonplace books offer the best possible way to understand the processes of King's mind.[28]

What are commonplace books? At first glance they can seem like an opaque collection of miscellaneous citations that beguile attempts of interpretation. These citations, which were often witty phrases or expressions of morality or wisdom, were usually culled from printed sources in the late eighteenth and early nineteenth centuries and divided into specific categories by unique headings created by the reader. Each individual copied their extracts for specific purposes, often to aid memory during conversation, public speaking, or writing, and to discipline the mind while reading. Many factors influenced the selection of quotations, including personal ideology, previous reading experiences, and the circumstances of the reading. When one understands that the harvesting and reorganizing of these citations is not random, it is possible to understand how a particular reader examined a text and repurposed and redefined it for their own needs.[29]

Commonplace books have a long history of theory and practice that can be traced to antiquity. Aristotle compiled "koinoi topoi," or general topics, as a part of his system of logical examination of philosophical truths, while Cicero and Quintilian gathered "loci communes" to promote memory in support of rhetoric. During the medieval era the importance of refined rhetoric declined and the practice of crafting persuasive arguments through commonplacing was seen as less useful in light of scholasticism's strategy of overwhelming opponents with evidence. The tradition was revived in the Renaissance and early modern period when humanists focused on the careful reconstruction of ancient languages and texts to find evidence of morality and human achievement. Desiderius Erasmus and Philip Melancthon popularized the creation of commonplace books to efficiently collect excerpts under headings, while John Locke subdued the disorderly aspects of commonplace books through the use of an index and careful source referencing at the end of the seventeenth century. While some note the decline of

commonplacing in the eighteenth and nineteenth centuries, recent scholarship notes that the sheer number of surviving examples belies this notion. King's commonplace books drew each of these upon these cultural legacies without being completely identifiable with any single one.[30]

King's particular commonplace books are representative of the flexible nature of these sources. He would have been taught proper commonplacing theory, but he adapted the general concepts into a reading strategy that allowed him to find meaning in an efficient way. The commonplace books contain both short phrases and longer extracts, some of which are several paragraphs in length, with headings for most entries. Unlike the traditional practice, King did not provide general categories with many entries underneath. There is no index in either book, but King did provide sources for most of his excerpts. Occasionally he would intervene with his own commentary, but he mainly copied or paraphrased text without explanation. His use of the Gibbon texts and the Middleton biography demonstrate that he read the books from the beginning in a linear fashion. He then filtered out particular phrases and paragraphs, and, if his summaries and misquotations are an indication, he would read and turn directly to his commonplace book to write out the material from memory, disciplining and exercising his mind in an attempt to master the material upon first reading. By understanding the filter King used to discern important passages in his reading, his self-constructed identity becomes apparent.[31]

Context for the commonplace books is necessary in order to interpret King's filter. The first commonplace book is a small octavo volume containing forty-five unnumbered pages.[32] It can be dated from an inscription written on the inside front cover by his third son, "James King July 31 1799." James began attending a London boarding school around this time and might have accidently left the book at home, where his father commandeered it for his own use. Most of the extracts seem to have been copied into the commonplace book before King left London in

mid-1803, but the entries at the last pages of the books make reference to Alexander Hamilton's death in 1804 and Francisco de Miranda's 1806 filibuster expedition against Spanish Venezuela. This commonplace book has material from the first volume and the beginning of the second volume of King's copy of Gibbon's *The Decline and Fall of the Roman Empire*, as well as material from Middleton, Homer, Cicero, and Suetonius.

In the second commonplace book, which has sixty-one unnumbered pages, King recopied all of the material from *The Decline and Fall of the Roman Empire* that he had written in the first commonplace book, with a few minor revisions.[33] He then continued taking notes through the beginning of the seventh volume of Gibbon's classic. At the other end of this commonplace book, King flipped it over and started a new set of notes on British and French negotiations from March-May 1803. It is possible that King was reading Gibbon's work at the very end of his ministry and then set it aside when news of the negotiations reached him, or he could have read Gibbon on his return voyage to New York after May 1803. Regardless, both commonplace books date to the first years of the nineteenth century when the Atlantic world was in the midst of confusion generated by wars and revolutions.

It is not surprising that King was reading Gibbon while in London. Gibbon died in 1794 and his close friend John Holroyd, Lord Sheffield, took the six drafts Gibbon had written of the *Memoirs* and combined them into a two-volume quarto that was published on March 31, 1796. The book's impact was immense when King arrived in London, and he probably bought it soon after arriving at his post.[34] King had read Lord Sheffield's earlier work that called for greater regulation of commerce between America and Britain, and the two became friendly while King was in London.[35] It is unclear if King had read the *Decline and Fall* before arriving in London,

but an examination of the catalogs of King's library demonstrates he owned a twelve-volume octavo edition of the book published in 1791-1792.[36]

These commonplace books are the work of a man who wanted to be the best possible statesman. King needed to look at events from a larger perspective and had to account for American interests in a perpetually shifting political, diplomatic, and military landscape. The entries in the books demonstrate the fear, doubt, and anxiety of a diplomat having difficulty trying to understand and adjust to these changes.[37] In the books, King acknowledged that anxiety, but clearly felt he could control it through reading. The process of overcoming that anxiety involved examining respected models from the past and reading trusted authors and authorities. History becomes an instrument to master present-day politics and diplomacy in King's commonplace books. When this is understood, King's reading choices make better sense. He looked at examples of political confusion from antiquity to understand complicated changes happening in the present. The French Revolution was so unique that King chose to examine one of the most extreme periods of history in the West, the decline of the Roman Empire in the third to sixth centuries. Gibbon's work on the decline of the Roman Empire was seen for the masterpiece it was in King's day and he was a reliable guide to the disorder of the crumbling empire. Gibbon's expertise offered King a shortcut to manage this difficult history.

In order to better see this present-minded reading of Gibbon and ancient history, it is necessary to make explicit the categories King implicitly embedded in his commonplace books. He organized the books around three questions that each extract helped answer in a small way. The first question examined King's attempt to understand his individual role as a representative of his nation abroad. How can he be the best possible diplomat and preserve the honor, respect, and interests of a new and relatively weak American nation? His next batch of quotations

focused on the urgency to defend republican government from the challenges of the new world order confronting America after the French Revolution. What is the best way to govern a nation, utilize power, and divide authority in the face of the momentous changes wrought by wars and revolutions in Europe? Lastly, King needed counsel managing the new type of revolution he was living through. What was the nature of the new Atlantic-world revolutions and how could they be avoided or constrained? These three broad categories represent the filter King read through and provide entrée into how he thought about himself and his situation in London.

Promoting Individual Statesmanship

King was conscious of his need to think strategically as a statesman when abroad, and felt he was responsible for the defense of American legitimacy. He needed to be both strong and wary because America had to avoid the European conflagration in order to provide time for America to mature as a power. If he allowed American honor to become tarnished, France and Britain would perceive weakness and act accordingly, but he had to balance that with the inadequacy of American power. King felt he needed to be prepared to pivot as a minister and he revealed this when he extracted material from Middleton's biography of Cicero. One important instance involved Middleton's appraisal of the actions of Lucius Cornelius Sulla, who revoked the power of the Plebian Tribunal in 81 B.C.E. The tribunal was the branch of Roman government that defended the interests of the average citizen against the aristocracy through its powers to initiate legislation and veto Senate acts.[38] As consuls in 70 BCE, Pompey and Crassus restored the powers of the tribunal, and King recorded and used a manicule to emphasize that, "[a] Statesman must consider not only what is but, <u>but what is necessary to the Times</u>; Pompey knew the Impatience of the People, and that the loss of the tribunitial power c^{d}. not be much longer borne: <u>it was therefore the Part of a good Citizen, not to leave to a bad one, the Credit of</u>

doing what was too popular to be withstood."[39] King perceived that it was essential to be informed about the realities of the moment to make the best decisions in complex situations. If those decisions had to be made and ultimately were not, there was a concern that someone with less virtue could fill the vacuum and gain a following.

To be an informed statesman, King built sophisticated networks with British officials and intelligentsia, corresponded with consuls, and listened to gossip. But his notes signal that books also played an important role. While diplomats collected printed materials starting in the fifteenth century, massive ambassadorial collections of books and maps became essential during the congresses at Westphalia in the 1640s. Ministers also had to collect all juridical deductions and pamphlets created during negotiations, which meant they went home with large amounts of print.[40] King's collecting activities in London have already been discussed, but his commonplace books illustrate his belief that collections had to be judiciously used. Recounting Gibbon's description of Emperor Gordian II, who led the empire with his father Gordian I for one month in 238, King copied, "Gordian the younger, his 22, concubines, and library of 62,000 books attested the variety of his taste – and from his Productions it appears that both the one and the other were designed for use, rather than ostentation. [H]e left by each Concubine three or four Children."[41] King also commented on the value of consuming texts when he copied Pliny the Elder's famous dictum that "No book is so bad that no part of it is useful" from Gibbon's *Memoir*.[42] King's emphasis of the word "use" demonstrates that the mere ownership of books and print was unavailing to King. They had to be mined for information to solve problems.

But books had to be used properly and King stressed the importance of discernment by the counter-examples he selected from Gibbon's history. The first model that King criticized in his commonplace books was Emperor Gallienus, who ruled the empire with his father Valerian

from 253-260, and as sole emperor from 260-268. Gibbon looked unfavorably on Gallienus' abilities, stressing that, "Galleinus (son of y^{e}. Emperor Valerian) was master of several curious but useless sciences: a ready orator, an Elegant poet, a skil[l]ful Gardener, an excellent cook, and most contemptible Prince."[43] King valued Gibbon's description of Galleinus because it succinctly illuminated the need to improve skills and gather information that would be useful to a statesman.

Another counter-example King extracted from his reading of Gibbon was Emperor Honorius, whose reign of the Western Roman Empire from 395-423 was particularly chaotic. Honorius was a child of ten when he took control of his part of the empire, and his weakness led to Gothic invasions of Italy and the rise of a series of usurpers who tried to seize control of the state. Part of that weakness came from Honorius' inability to develop useful skills and knowledge, Gibbon argued. King copied Gibbon's remark that, "Honorius['s] most serious Employment was the daily call of feeding the Poultry – &c," while his empire collapsed around him. King also recorded Gibbon's comment that Honorius was not educated properly before receiving the crown and, "the subjects of the feeble Honorius soon discovered that he was <u>without passions</u> & consequently (says Gibbon) <u>without Talents</u>."[44] In his *Memoir*, Gibbon, citing Samuel Johnson, noted that it took hard work and conscious choice to improve an individual's skills in the proper fashion. King appropriated it and entered into his commonplace, nothing that, "D^{r}. Johnson denies all original genius any natural propensity of the mind to one art or Science rather than another."[45] The important part was making good choices about what to read and learn and working hard to make those choices productive. King saw Galleinus and Honorius as bad examples of statesmen because they did not discipline themselves. By

extracting these quotes, King argued that statesmen and diplomats needed to ignore trivial matters and focus on important information in stressful times.

Several important attributes of a statesman needed attention in King's mind. They included the promotion of virtue, dignity, and honesty, as well as the necessity of discreet reserve and strength in the face adversity. Gibbon gave King an opportunity to consider these critical values. To King, virtue was not strictly a moral quality. His reading of Gibbon demonstrates he thought virtue should be a guide to actions, but that it allowed flexibility. When reading about the philosopher Boethius, who was accused of a treasonous crime after publically defending a colleague against the same charge, King noted that such pure dedication to virtue was a mistake. King recorded that

> This Philosopher the last of the Romans worthy of Cato or Tully, was executed by order of Theodoric on a charge of Treason; Posterity acquits him of the charge tho not of extreme imprudence. and we may learn from Cato's Example as well as from his, that a character of pure & inflexible virtue is the most apt to be misled by prejudice, to be healed by Enthusiasm, & to confound private Enmities with public Justice.[46]

A true statesman or diplomat could not act with such a rigid outlook if he was to fulfill the obligations of his appointment.

King perceived that flexible actions would be respected if a diplomat had a reputation for dignity and reserve. Once a moral foundation had been established, a diplomat had more room to maneuver to protect national interests. King's reading of Gibbon shows he thought reputation could be built in a number of ways. One batch of extracts involved negative examples of ambassadors receiving inappropriate gifts, while another set recorded the unseemliness of all forms of bribery.[47] A diplomat should be above reproach while attending to his duties, but also possess a gravitas appropriate to deserve respect without appearing haughty or distant. After

reading about Cicero's purchase of a home in Gibbon's history, King created the heading "A House," and noted the Roman lawyer's "[r]ule in regard to the Habitation of a principal Citizen, [is] [t]hat his dignity should be adorned by his house, but not derived from it."[48] King thought a diplomat needed to be a gentleman whose nobility was obvious to all but natural.

Lastly, King expressed a belief in the necessity of discreet reserve of any diplomat. He wanted to be seen, but say only what was necessary while listening to everything.[49] King recorded this in an uncomplicated fashion under the heading "Language of Ministers," where, "[t]he vague professions, that in every court and in every occasion impose the language of discreet Ministers."[50] Also, echoing Cicero's desire for a moderated image of dignity, King took a line from Gibbon's *Memoir*, which stated, "the experience of the world inculcates a discreet reserve on the subject of our Person and Estate – we soon learn that a free disclosure of our Riches or poverty would provoke malice or Envy, or encourage insolence or Contempt."[51]

Promoting Republican Government

King's use of Gibbon's works to defend the experiment of republican government demonstrates the power of the reader to appropriate meaning. Gibbon opposed the revolutionary movement in America, and would have grasped the irony of King using his texts to support such ends. While reading Gibbon, King mused on political philosophy and posed questions on the best way to manage a government in a tumultuous world. He also considered the nature of power and authority and how to deploy them to preserve republican government and American legitimacy. Roughly one half of the entries that focus on the defense of republican government offer examples to avoid, while the other half discuss the virtues of a good government that can best manage the roiling world of the Napoleonic era.

King probably copied the vast majority of the entries in his commonplace books after the rise of Napoleon Bonaparte as first consul of France in December 1799. While King had been dissatisfied with the trajectory of the French Revolution from its beginning, developments after the coup of 18 Brumaire particularly disturbed him. King admired the talents of Bonaparte, but feared the massive ambition that motivated his behavior. Such ambition would result in tyranny and despotism that would not only affect the Continent, but American interests as well.[52] King thought about Bonaparte's designs as he read Gibbon's history, which commented on, "the jealous, and unsociable nature of Ambition."[53] King's previous readings of Enlightenment era philosophy and political economy helped him come to the belief that sociability represented a calming of ferocity. When nations interacted with good intentions and desire for fair exchange, they would be more likely to manage conflict through diplomatic channels instead of warfare. King saw France quickly devolving into the most dangerous polity on earth because of its aggressive intentions.

King read Gibbon with this deep concern about France at the forefront of his mind. A large part of this concern involved the seizure of power by Bonaparte. While reading, King compared Bonaparte to the Roman Emperors Severus and Macrinus. Severus was Emperor from 193-211 and his legacy of decisive leadership and expanded borders came at the expense of an increased military establishment, resentment from the Roman Senate, and the persecution of minorities. Bonaparte, like Severus, provided expert guidance for the state, but the larger strategic purpose of the Frenchman seemed flawed to King, who noted that

> The ascent to Greatness, however steep and dangerous, may entertain an active Spirit with the Consciousness & exercise of its own power – but the possession of a Throne could never yet afford a lasting satisfaction to an ambitious mind". fortune & merit from an humble station elevated Severus to the first place among men.

> he had been all things, as he said, and all was of little value. "omnia fui, & nihil expedit"[54]

King's underlining suggests that he felt ambition was not inherently bad, only that a defined moral framework must limit it. The desire for a crown falls outside the limits King placed on ambition, which is where Bonaparte went astray. The fulfillment provided by total power was fleeting in King's mind, and the desire for new projects by a monarch or emperor would only lead to corruption and tyranny, and it was only a matter of time before that project would involve the United States.

By noting "☞ Bonaparte" after his reading notes on the Emperor Macrinus, King explicitly indicated his fear of the first consul's ambitions. Macrinus took power after involvement with the murder of Emperor Caracalla, Severus' successor, in 217. Like Bonaparte, Macrinus was a man of military talents who strove for political power. Gibbon wrote, and King recorded, that Macrinus's, "rash Ambition had climbed a height, where it was difficult to stand with firmness and impossible to fall without destruction."[55] Macrinus ruled for less than a year after military defeats in Mesopotamia and unpopular military reforms gave the family of Severus an opportunity to seize control of the empire again.

Such ambition led to instability in the Roman Empire, and King worried that a similar trend would occur after Bonaparte's ascension. Instability in the Atlantic world would create further problems for American commercial interests and increased the likelihood of American entry into the war. King recorded a passage from Gibbon that stressed decline occurred in the Roman Empire because, [t]here are no Examples of 3 successive Generations (at the time of Maximin[us]) on the throne, and only three instances of sons who succeeded their Fathers."[56] King stressed that this instability contributed to the smallpox epidemic, known as the Plague of

Cyprian, which began in 250 and raged across the empire for over two decades. Under the heading "AD. 250 Great Famine & Plague," King wrote

> Famine almost always followed the Pestilence, the effect of scanty and unwholesome food. other causes are supposed to have contributed to the Pestilence that raged in Asia & Europe from the year 250 to 265 – and which appeared in every Province, every City, and almost in every family of the Roman Empire. during some time 5000 died daily in Rome, and some towns were entirely depopulated – and if the city of Alexandria may be taken as a Standard, it might be inferred that war pestilence & famine, had consumed in a few years the moiety of the human Species.[57]

By emphasizing the words "other causes," it is clear that King agreed with Gibbon's assessment that political instability exacerbated any difficulty confronting the state. The citation represents King's fear of the worst that could happen in an uncertain world.

It is possible to glimpse the concern King felt for the world he lived in while reading about the decline of the Roman Empire. If he were not hyper-vigilant, civil wars, public scandals, and corrupt laws would destroy the society of nations America had worked so hard to join. The jealousy and discord France's aggression promoted could bring an abrupt end to the American experiment of republican government. While the Romans could not solve their problems, King felt he could take the lessons of their demise and help America avoid the same fate.

One way America could avoid the fate of Europe was to be virtuous in the face of adversity. Virtue in this context involved morality and strength. A state could not expect to be weak and remain among the treaty-worthy nations of the world. King noted that a nation needed to be prepared to manage challenges and copied one of Gibbon's footnotes that expressed the disgust of the Emperor Julian, who ruled in the mid-fourth century, when he reviewed his army. King commonplaced Gibbon's citation of the fourth century Roman historian Ammianus

Marcellinus, who "observes that they [soldiers since early fourth century Emperor Constantine's victories] loved downy beds & houses of Marble; & that their cups were heavier than their Swords."[58] Such weakness was contemptible in King's mind.

In Gibbon, King found worthy of examples of leaders who confronted the challenges of their time in an honorable fashion. One such figure was Emperor Gordian I, who "possessed the uncommon advantage of deserving the Esteem of virtuous Princes, without alarming the jealousy of Tyrants."[59] While Gordian only ruled for one month in 238, he had a good reputation as a literary man, able administrator, and a leader who shunned intrigue. Power was foisted on him after a revolt against Emperor Maximinus in the province of Africa, but after his son Gordian II was killed in battle outside Carthage, Gordian I committed suicide. King also expressed a favorable view toward another principled figure, the jurist Papinian. When Caracalla killed his brother Geta to consolidate Rome under his own individual rule in 211, he tried to force Papinian to write an apology for the crime. Gibbon reported that Papinian refused, proclaiming, "'[i]t is easier to commit than to justify a Parricide' was the Glorious reply of Papinian, who preferred the loss of life to that of honour."[60]

While Gordian's and Papinian's reputations deserved admiration and offered examples to emulate, King found an instance of a stronger leader whose actions united a nation in the face of adversity. That ruler was Clovis I, the Frankish king of Tournai from 481 until 509 when he unified the Frankish tribes and ruled over them until his death in 511. King's commonplace notes contain Gibbon's positive remarks about Clovis' father Childeric, who debauched Basina, the Queen of the Thuringans, and made her his own wife. Basina expressed satisfaction with her decision to marry Childeric, freely declaring that if she had known a man wiser, stronger, or more beautiful that man sh[d]. have been the object of her Preference." Gibbon implies that Clovis

inherited these virtues, noting, "[t]he valour of Clovis was directed by cool & consummate Prudence. In all his Transactions with Mankind he calculated the weight of Interest, of passion, & of Opinion."[61] By strength and cunning, Clovis unified the Frankish tribes and created a lasting polity based upon Christianity, which he converted to in 496. Such a model of success deserved recognition in King's mind, and offers clues on how to weather the changes wrought by the French Revolution.

Strong Christian leadership, like that exemplified by Clovis, under an American form of republican government, was a system King felt was capable of surviving the complicated circumstances of the late eighteenth and early nineteenth centuries. King's internal filter rejected Gibbon's claims against Christianity, disagreeing with the historian's opinion that ancient polytheism was tolerant of Judaism and Christianity until their followers refused to pay tribute to the Roman government.[62] King intervened after commonplacing Gibbon's view, and noted "☞ [William] Melmoth, – Translator of Pliny[']s Letter's observes that the Persecution of y[e]. X^{tians}. [Christians] Proceed[ed] from the constitution of the state, or ancient Laws. The Senate says he was jealous of y^{e}. innovations in point of pub[lic]. Worship, and the magistrates under the republic interposed to prevent them."[63] Gibbon claimed Christianity was responsible for the decline of the empire, but King's citations show he thought the initial rejection of Christianity in the first century led to the decline. By embedding anti-Christian sentiments in the fundamental law of the state, the Romans precipitated their own decline. In the same way, the French rejected religion and fostered instability in their state and the continent. King felt the American system of freedom of worship in a republic based on the Christian religion provided the best way to achieve stability.[64]

This religious foundation became the basis of a government by the people, which King believed was another source of stability. Reading about the reign of Decius from 249-251, King noted the emperor, "desired to revive the consulate [Gibbon wrote "censor" in his text], conscious that the favour of the Sovereign may confer power, but that the Esteem of the People can alone bestow Authority."[65] This was placed under the heading "Power & Authority," and references the decision by the soldiers of Decius, who was serving as a general on the Danube in early 249, to give their commander power after Emperor Philip signed an unpopular treaty. Decius accepted reluctantly, and King was making the point that it took the confidence of the people to properly wield power. Decius also promoted a revival of state religion at the expense of Christianity and for a return of the censor, the office that regulated public morality in the Republican era. While King would not have supported the oppression of Christianity, he maintained government required a religious foundation and moral guidance, both of which Decius attempted to institute. The lesson King gleaned was that a government of the people using religion as a conduit to morality would be able to weather what he considered an era of radical revolutions.

Managing a Revolutionary World

King found guidance on how to be the best possible diplomat as well as support for the American form of government in Gibbon's history, but he also used the text to grasp the meaning of the extraordinary circumstances of the French Revolution. To understand these unprecedented events King had to examine hundreds of years of catastrophic history. The nature of the revolution that King was trying to understand was beyond his comprehension, but Gibbon taught him that societies rotted if revolutions were not brought under control. King found a close parallel to events of his own time in the Age of Thirty Tyrants, when the Roman Empire almost

fell apart in 251-268 directly after the Plague of Cyprian. The thirty tyrants were a group of usurpers, described in the notoriously inaccurate *Augustan History*, who attempted to assume power in a time of chaos and barbarian invasions. The creators of the *Augustan History* embellished the number of usurpers to mirror the thirty tyrants who took control of Athens after the Peloponnesian War. King, under the heading "Revolutions," noted that Gibbon said the tyrants were of "obscure origin," but the lesson to be learned, "[i]n Time[s] of confusion, [is that] every active genius finds the Place assigned him by nature: in a state of war military merit is the road to Glory and to Greatness."[66] The longer the French Revolutionary wars continued, the longer the Atlantic world would be dominated by men trying to find greatness through force instead of more rational channels of peace and commerce. The need to end these wars as soon as possible was crucial to America's survival as a member of the legitimate club of nations.

Revolutions should be swift and decisive in King's mind. He believed that the less radical the reorganization of a polity, the faster it could return to traditional concerns. King praised the moderation of "[t]he Generous Swiss" for their example in revolutions, because they "have never shed the blood of their Tyrants but in the field of Battle."[67] Also, King selected the story of Ricimer, the Gothic general who effectively led the Western Roman Empire through a series of puppet emperors from 457-472, to illustrate the rewards of self-restraint. When Anthemius, the last of Ricimer's puppet emperors, moved to assert his independent rule in 472, Ricimer "marched ag^{t}. Rome, murdered the Emperor & sacked the City." What King neglected to record in his commonplace book was that the siege took five months, caused great destruction, and led to the beheading of Anthemius. King intervened after copying the quote on Ricimer in order to contrast the viciousness of the Roman revolution with the relatively quick and peaceful events of the Glorious Revolution of 1688, when "King William treated his father in law with

rather more moderation." This moderation had deep historical roots in Britain according to King, who used Gibbon to observe, "[t]he Independence of Britain was soon conferred by Honorius the Emperor [in 409], and the separation was not embittered by the reproach of Tyranny or Rebellion, but the claims of allegiance & Protection were executed by the mutual & voluntary offices of the national friendship."[68]

Despite the success of the Britons, even revolutions conducted with moderation could quickly deteriorate without vigilance. King understood that America was still young and trying to establish itself in the world after its revolution. The nation needed to avoid all tumults if it was to succeed in becoming a strong nation that deserved the respect of other nations. The agitation of the French Revolution could quickly nullify the victories of republicans in America and King maintained he was trying to avert such a result. He demonstrated this through his commonplacing of Gibbon's description of an independent Britain after 409. Gibbon reported that the Romans had left Britannia with an ordered government and society based on powers given to the major cities

> [a]nd the management of a common revenue, the exercise of civil and criminal jurisdiction, and the habits of public counsel and command were inherent to these petty Republics [the major cities in Britannia]. but the desire of obtaining the Advantages, and of escaping the burthens, of political society is a perpetual & inexhaustible source of discord; nor was the Restoration of Br freedom exempt from tumult and faction. The preeminence of Birth and fortune was frequently violated by the bold & popular Citizens, and the haughty nobles who explained that they had become the subjects of their own Servants sometimes regretted the Reign of an arbitrary Monarch – The intestine divisions between different Cities and between them & the chiefs of the villages kept the Country in uninterrupted confusion, and subjected it to the numerous Chiefs which arise in every quarter of it.

The bishops and synods of the church did their best to work with the leaders of the government, but the state of affairs was too precarious. The consequence was that good government failed,

"and there is reason to believe, that in moments of extreme danger, a Pendragon, or Dictator was elected by the general consent of the Britons." Such devolution of good government startled King, and thinking of the present, he worried that if the French Revolution was allowed to continue it could result in the destruction of the American nation. Briton experienced such destruction, the result being their, "state of Independence lasted ab^{t}. 40 years when the country was overrun by the Saxons." America had been independent for just over twenty-five years when King recorded this comment, and the chaos of the French Revolution threatened to put America in the same situation as the Britons in the fifth century if leaders like him were not vigilant.[69]

In King's mind the French Revolution was equated with the terrible upheavals of the late Roman Empire, not the more moderate versions of revolutions in Britannia, England, or Switzerland. Specifically, he equated the French Revolution's radical and lengthy nature with the devastation caused by Attila and the Huns in the mid-fifth century. King commonplaced that

> In all the wars by the S[c]ythians upon the civilized Empires of the south, the Conquerors have been actuated by a savage & destructive Spirit. The Laws of war wh[ich] restrain the exercise of rapine & murder, are founded on palpable Interest, the Benefits to be obtained by moderation, & the security ag^{t}. reverses, when retaliation w^{d}. be measured by the Excesses of the conquered when conquerors, but these considerations were not applicable to the Sythians, the Huns of Atila [sic] resembled the Mogals [sic] and Tartars before their manners were softened.[70]

One of Attila's greatest transgressions was spurning the laws of war and the moderation they brought to the world. By equating Bonaparte and French aggression with Attila and the Huns, King demonstrated he feared the long-term consequences of a new type of revolution. The failure to stem the actions of France would lead to a new catastrophic reality and an unfamiliar set of rules in which America would have less room to maneuver. King's fear of these shocking

events was real and it is impossible to understand his political and diplomatic actions without considering them.

King's alarm was great because he knew the consequences of failure would be extensive. Continued warfare and destruction would undermine the fabric of society and lead to anarchy. Such a situation emerged during the reign of Theodosius I in the late fourth century. The emperor had to fend off Gothic invasions from the north and suppress two usurpers during a decade of civil wars. The clamor of these years led King to copy Gibbon's reflection that

> A long period of calamity & decays must check the industry & diminish the wealth of the people, and their luxury must be the result of that indolent despair, which enjoys the present hour and declines the thoughts of futurity – the uncertain condition of property discourages engagements in those useful and laborious undertakings, which require an immediate expence, and promise a low and distant advantage – and the mad prodigality wh[ich] prevails in the confusion of a Shipwreck, or a siege, may serve to explain the Progress of Luxury amidst the misfortunes and terrors of a sinking state.[71]

King found an outlet to express his Federalist ideology, which promoted order and property as the basis of civilized society, by copying this passage. In his conception of the world, regularity created progress, and by emphasizing the words "uncertain condition," his anxiety about the new world order emerging from seemingly never-ending wars becomes apparent. He was uneasy that everyone was grasping for short-term advantage in an era of disorder when America, more than any other nation of the world, needed to have a long-term plan to mature as a power by utilizing resources the North American continent offered.

King was especially afraid of the speed at which events were occurring. Circumstances were changing with such rapidity that places that had avoided war and revolution for centuries were being pulled into this new order, for example, "[s]peaking of Lausanne [in Switzerland] Gibbon says – The frantic missionaries of Sedition have scattered the seeds of discontent in our

Cities and villages, wh. had flourished above 250 years, without fearing the approach of war, or feeling the weight of Gov^{t}."[72] If a place like Switzerland was being radicalized, King feared that the United States might be next.

Despite this fear, King still felt the French Revolution was an anomaly of history. It was so unique and ignored the laws of nature that it was destined to fail. It would take strong leadership to guide the world through such an eruption of violence, but if the America's leaders could play their part with vigor, King felt the nation could overcome the problems of the early nineteenth century and emerge as a powerful nation when the world returned to the stable place it once was. He testified to this though an extract placed under the heading "Law of Nature,"

> Referring to the desolation of the gothic invasion, Gibbon observes, that the Providence wh had decreed, or foreseen, or permitted such a train of natural & moral Evils, was rashly weighed in the imperfect & salacious balance of human Reason, overlooking in the zeal of controversy, the <u>invariable</u> Laws of nature, which have connected <u>Peace with innocence</u>, plenty with industry, <u>and Safety with valour</u>."

The commonplacing of this passage demonstrates that King was anxious about the political situation of the early nineteenth century, but optimistic of ultimately overcoming the problems of his age. King believed he had found the formula for long-term peace and prosperity through strong diplomatic leadership, good republican government, along with vigilance to moderate revolutions. Reading ancient history gave him a guide to modern problems, as well as hope that America could prevail.

Tactical Reading

All diplomats constantly scanned newspapers, pamphlets, and books for any hints of a change in another nation's policies. King felt he found such a ripple when he read Lazare Nicolas Marguerite, Comte Carnot's short book published in 1799, *Reply of L.N.M. Carnot,*

Citizen of France. King told Secretary of State Pickering he was sending, "a copy of Carnot's answer to his denunciation by his colleagues: there seems no doubt that it is an authentic performance. Our late Envoys, or at least General [Charles Cotesworth] Pickney, believed that Carnot entertained more equitable opinions concerning the United States than the majority of his colleagues. This answer discloses his project respecting Louisiana; and if such views were entertained by him, whom we believed the most just and moderate, can we suffer ourselves to doubt the intention of his colleagues?"[73] King's mission required him to read widely and deeply to be the best diplomat possible. After this reading, King became more vigilant about Louisiana and French designs on the territory. It is just one example of King's tactical reading. King read in this fashion to understand the day-to-day workings of the British government, follow the political and diplomatic scenes of Europe, and make lawyerly arguments to his counterparts in London. The best evidence of sustained tactical reading to emerge from King's library can be found in King's annotated copy of Domenico Alberto Azuni's *Systême universel de principes du droit maritime de l'Europe*, a work that offered King a detailed primer on maritime law at an important juncture of his ministry in London.

Azuni was a Sardinian-born jurist who trained at the University of Turin. He gained recognition in legal circles after publishing his four-volume *Dizionario universale ragionato della giurisprudenza mercantile* (*Universal Dictionary of Mercantile Jurisprudence*) from 1786-1788. The work discussed treaties, the rights of neutral states, and reviewed the main body of law of nations scholarship. After publishing *Sistema universale* in 1795, a work enlarged and expanded for the 1798 French translation, he was selected by Bonaparte to assist with the compilation of the French commercial code in 1806 and the next year was appointed president of the Court of Appeal at Genoa. He continued to write and produced histories of Sardinia, works

on maritime law, and a number of pamphlets until his death in 1827. King would have read him because he created a regular system of maritime law by synthesizing the disparate works on the subject. King relied on Azuni as an authority to support his arguments to the British government in support of neutral rights.[74]

It is unclear where King acquired his copy of Azuni's *Systême universel,* but from a marginal reference to the Anglo-Russian Convention of June 1801, toward the end of the second volume, King was no doubt reading this after 1800.[75] King's reading of *Systême universel* was methodical and stands as an example of Robert DeMaria's description of intensive study, the most vigorous form of reading he recounts in his reading history of Samuel Johnson.[76] It is filled with marginal hash marks, dashes, small x's, and chevrons that note long passages of importance, sometimes the length of several paragraphs. Less often King underlined text, drew long vertical lines in the margin, sketched manicules to draw attention to a passage, or wrote a response. Azuni's volumes also epitomized the older histories of maritime law that King noted elsewhere he had trouble acquiring. It was the exact type of book King needed at this point in his career, and he clearly relished the opportunity to have the field of maritime law chronicled in such detail.

The first volume of *Systême universel* offers a summary of the history of maritime law, explaining naval and commercial law from the *Lex Rhodia*, enacted before 600 B.C.E., to the eighteenth century. King focused his attention on the legal arguments for the freedom of the sea in this volume. This was an important point of national interest that King had to support as minister to London, as any treaty-worthy member of the community of nations needed equal access to the sea-lanes to partake in the benefits of the system produced by the law of nations. He also had a personal predilection for such freedom as it supported commerce, the most important branch of American political economy in his mind. Ships were symbols of national

legitimacy, society building through trade, and commercial profit. This context helps explains the large number of annotated passages focusing on the freedom of the sea in his copy of Azuni.

It is not surprising that King started reading Azuni after 1800. When King arrived in London in 1796, there was an escalation of the impressment of American sailors and ship seizures due to the deteriorating fortunes of war and the arrival of Silas Talbot in the West Indies, where he was the agent designated to protect American sailors in the Caribbean.[77] King's negotiations alleviated the difficulty of these problems and afterward relations between the British and Americans were generally good during the Quasi-War of 1798-1800. After 1800, when the French and Americans ended their undeclared war with the Treaty of Mortefontaine, tensions grew.[78] While impressment proved to be an issue throughout his mission, King knew "the Pitt government acted only when it felt the complaints were justified and the remedies not harmful to Britain's conduct of the war."[79] But legal arguments were the only weapon of a minister from a weak nation who tried to shame a stronger state into acting properly.

As the British demeanor changed after 1800, King turned to Azuni's text for legal assistance and ideological reinforcement as he attempted to defend American neutral rights. The basis of neutral rights was the freedom of all to travel in the open ocean and trade non-contraband goods. King found evidence of this in *Systême universel*, and used x's and red-pencil hash marks to emphasize that

> [t]he law of nature enjoins us to be content with the acquisition of property sufficient for our own support, and of those who are dependent on our care. If reason and experience admonish us to think of futurity this foresight should not lead us to indulge ambition and an unjust cupidity nor to prevent others from providing equally for their own wants. The liberty of navigation and of fishing is derived from natural law, and the law of nations, as well as from the civil law. For these reasons the high sea ought to remain as common to the human race as air and light.[80]

This passage neatly sums up King's political stance from the 1790s to the 1820s. America, with its growing potential for mercantile dominance, required access to the sea to bolster its power among the community of nations and he would work toward that goal through any peaceful means.

King annotated so many of Azuni's examples of freedom of the seas that it is impossible to examine them all at length.[81] But Azuni's discussion of the eleventh century Danish King, Canute the Great is worth considering because it provided King with a useful counter-example to British leadership in the early nineteenth century. King drew a vertical line in the margin next to Azuni's discussion of Canute's successful efforts to unite the crowns of Denmark, Norway, and England. The king's courtier's proceeded to flatter him and "attempted one day to persuade Canute that his dominion over the sea was unbounded." Showing the humility that King wanted his British counterparts to manifest, Canute devised a strategy to show his lieutenants he could not possibly own the sea. Canute took his courtiers out to sea for a sumptuous feast, and his guests retired when the tide brought in large waves, but

> the king remained alone and commanded the sea to retire. The waves still continuing to rise, he pretended to be in a rage and exclaimed, 'Waves of the ocean is it thus that you respect your master?' Then turning to the courtiers he added with a smile of contempt, 'He alone who holds in his hands the utmost limits of the world has a right to command the elements and to prescribe bounds to the ocean.'[82]

The irony of a medieval ruler evincing such enlightened sentiments, while the current British government denied the rights of neutral trade, impressed King.

Beyond defending the freedom of the seas, King used Azuni's book to manage serious disputes between America and Britain, especially issues involving ship seizures and the creation of a list of contraband goods all neutral had to avoid. Seizures were especially difficult to

manage because the law of nations allowed a belligerent to stop neutral ships carrying contraband goods to an enemy. The problem was the list of contraband goods. Everyone agreed that items like cannons, gunpowder, and sailcloth were contraband goods, but other items like food, horses, and saddles were ambiguous. King negotiated with the British foreign office to make that list as broad as possible. King also understood the challenge that some American ships were clearly disregarding the law in search of profit, while most were trying to trade by the rules. In addition to this, the British had their own claims about seizures and contraband, some of which had only been introduced into the law of nations less than fifty years before King's mission. The British asserted that *all* enemy property on a neutral ship was subject to seizure. They also held firm to the controversial Rule of 1756, a directive first issued during the Seven Years War, which stated that war did not allow a neutral power to trade with a port if that port had been closed to the neutral in peace.

To lessen tensions with the United States, the British allowed American merchants to make broken voyages, taking goods from the French West Indies to America before shipping them to Europe. The British worried this subterfuge would lead to fraud and it was doubtful permission to continue the broken voyages would be allowed indefinitely. King assembled arguments on these issues, in part by looking at books. Azuni's text was especially useful as the state of affairs became more complicated after the peace American and France made in October 1800.[83]

The Treaty of Mortefontaine proclaimed that free ships made free goods, meaning that neutrals could trade with both sides in a war as long as contraband was not part of the cargo. After Thomas Jefferson became president, King conveyed the arguments of the administration that this was not at odds with British interests. Those arguments were not convincing to the new

British government that took power after William Pitt resigned in February 1801 over Catholic emancipation in Ireland. The new Prime Minister Henry Addington and Foreign Minister Robert Jenkinson, Lord Hawkesbury, took a strong stand against neutral rights in order to appear strong to the public. They disagreed with King and denied that free ships made free goods and tightened all other regulations on neutral rights. The British pronounced that neutrals could not trade with blockaded ports, naval stores were contraband, and reaffirmed the principles of the Rule of 1756.[84] King was not able to negotiate definitive agreements with the British after this, but he was able to relieve the sting of the regulations.

King instrumentally read Azuni to find ways to mitigate the problems of 1800-1801. When he began the second volume of Azuni, King found a statement that summed up the entire purpose of his mission, which was to promote, "the continuation of a state of peace, the happy result of a wise resolution to remain neutral, [which] is the greatest good to which nations can aspire. It is the only salutary means of escaping the destructive storms and bloody ravages of war."[85] We begin to see King's strategic reading working in tandem with his tactical reading at this point. The strategic purpose of his commonplacing was to avoid war, Azuni argued the way to do this was through neutrality, and offered King the specific reasoning he would need. Since maritime law was a branch of the law of nations and the law of nations was simply the law of nature given to states, King could bring the full the force of law and morality to shame the British for their violation of neutral rights.

In King's judgment, the Rule of 1756 was the most contemptible of all British violations of the law of nations. The rule followed the letter, but not the spirit of that law. The British did not deny the right of any sovereign to open their ports in times of war, but they suppressed the right by seizing neutral shipping on the high seas, where non-contraband goods could be legally

carried. Almost equally scorned by King was the declaration of a blockade of a port without stationing ships to enforce it. The British claimed that the declaration of blockade was enough to seize non-contraband goods from neutral ships on the high seas. These violations were especially abhorrent to King because he remembered the cries against the violation of the law of nations made by the English in the seventeenth century when the Dutch enforced stringent regulations on shipping and trade. King did not expect seizures to stop or impressments to halt, but he did want a sense of fairness to be reaffirmed.

Azuni offered him support in this effort. King marked off a section describing that neutrals must be allowed to have unrestrained trade in war as long as the neutral remained impartial. Directly after that argument, King intervened at a point in the text that demonstrated the Rule of 1756 was illegal, because, the Italian jurist noted

> [c]ommerce in all kinds of merchandise, commodities, and articles of manufacture, being allowed in time of peace to the subjects of a nation, so far as the laws of the state, or particular treaties with other powers create no exception, they ought to be permitted to do the same thing during the continuance of war, since neither of the belligerent parties has a right to impose any new obligations on the neutral, which did not exist in time of peace.[86]

This reasoning could be used to shame the British, who were supposed to be following the universal rules all nations subscribed to. The Rule of 1756 changed conditions because of war, which was illegal according to Azuni. Later in the text, Azuni made it clear that a neutral could not carry anything and that a belligerent had a legal basis for stopping contraband.

The ability to stop neutrals was based on the "the law of necessity," which created exceptions to all other laws. Azuni said this law could be applied to any situation, which "would be destructive to society or [involved] an evil so great as to exceed the powers of the human

mind." Depriving an enemy of the means of becoming stronger and prolonging a war was one such situation. Since the oceans were not under the jurisdiction of any nation

> a belligerent may, therefore, seize the property his enemy on the high sea, whenever chance shall put it in his power, even when found on board of a neutral and friendly vessel provided, that in the exercise of this right, he does not transgress the bounds of moderation.[87]

One of King's primary goals in London was to police those "bounds of moderation." Too often, he said, the British crossed those boundaries and created inconveniences for American merchants. Spoliation of goods captured in seizures, which often had to sit for years in warehouses while cases were adjudicated, was also a problem that the Jefferson administration was deeply concerned about, and King would have used the reasoning of Azuni to remind his counterparts of their obligations to the law of nations.

One such instance involved the oft-used argument of belligerents that seizures only hurt an enemy and not a neutral because the neutral would eventually be compensated. King thought this reasoning was flawed. Confirmation of this can be found in his copy of Azuni's text. King drew a vertical line and wrote "the doctrine of England in 1793!" next to Azuni's view that

> the interruption of that commerce which neutrals had been accustomed to carry on with the belligerent nations before the rupture [a war], would be to them an irreparable injury. This theory is so true, that if we suppose a case in which the belligerent has it in his power to make reparation to neutrals for the damage caused to them by the loss of the goods which constitute the subject of their customary trade with the enemy, he might lawfully seize them also, provided, he paid the value of them in money or in other goods agreeably to the terms on which they were to be sold at the place of their destination.[88]

As with the Rule of 1756, British actions in the massive seizures of 1793 did not violate the letter of the law, but it did infringe on its spirit. Neutral goods needed to be expedited through the legal system, King was arguing, and blanket seizures of the type made in 1793 should be banned.

Another inconvenience was the lack of a uniform rule of what constituted contraband. Azuni reported that treaties since the seventeenth century consistently denied the right of neutrals to carry "arms, cannon, and other warlike stores," to any belligerent. But these same treaties stated that, "no mention is made of the passive sale of these articles, nor does it extend to the transportation of grain, legumes, and other provisions, or innocent goods, except they are carried to places blockaded, besieged, or invested." The British took the strictest construction of what contraband could be, claiming that even unwrought iron, nails, paint, and coarse linen were all items that could further the war effort of its enemies.[89] King knew too well that he was hemmed in by what Azuni called "the variations which have taken place in this respect [the definition of contraband] in the treaties of Europe." He was not able to get the British to agree to a comprehensive list of contraband items, but he was able to negotiate in individual cases and eased tensions. Books like Azuni's were a useful source for finding arguments to show the British that American shipping deserved better accommodations.

The results were not perfect, but King worked closely with Sir William Scott (later Lord Stowell), the respected Judge of the High Court of Admiralty, and Foreign Secretary Lord Hawkesbury to alleviate the pains of the seizure process. The reform of the admiralty courts in the West Indies and the *Polly* decision of 1800 were the result. The decision did not modify the Rule of 1756, but it allowed for the broken voyage and created higher standards for seizures, which aided American shipping.[90] These were to be King's last major victories while in London. In 1801, King asked Secretary of State James Madison if he should make further diplomatic overtures to the British government. King never received a reply and he realized that the compromises he had arranged on the most important issues of contention were all that he could achieve.[91] The change of policy of the Jefferson administration, the ending of hostilities

between France and America, and the beginning of negotiations for peace that would eventually lead to the Treaty of Amiens of 1802 created circumstances that made further negotiations unproductive. Despite the unfavorable conditions, King made one more good faith effort to come to a written agreement on impressment before he left London in 1803. He came close, but the two sides could not agree on details because of the British fear that war would soon break out with France again.

Conclusion

King's reading of Azuni shows that he knew that the maneuvering and negotiation of his mission could not alleviate his anxieties or resolve the tactical inequality of American power. The only way to truly achieve, "happiness for mankind will unquestionably be that of the general pacification of Europe after the ruinous war which now desolates it."[92] King's notations in the margins show Azuni's ideas about the peace that would eventually come resonated with him. Azuni wanted any future treaties to include four points that favored commercial nations: no seizures are legal unless a ship was laden with contraband, a neutral flag would be inviolable, all ports should be allowed to accept neutral goods if they do not relate to war, and that contraband will only extend to goods that are of immediate use in war. Azuni did not think these goals were utopian in nature, even though England had consistently tried to assert control over the navigation of the world through its naval power. But Azuni said war could not last eternally, and that the benefits of commerce would eventually be recognized again.

King bought thousands of books while he was abroad, but the main goals of his reading can be summed up through his commonplace books and the marginal notes in an important set of maritime law books. King read in both a strategic fashion and a tactical manner to achieve his diplomatic ends. He needed to understand how to manage the new revolutions of the late

eighteenth and early nineteenth centuries and he found important models in ancient history. He found a trusted guide in Edward Gibbon, whose informed discussion of the fall of the Roman Empire provided a number of models that King used to understand the present. The history of politics assisted him as he made decisions about current politics and diplomacy. Cultivating information allowed him to understand the changing world order and manage his doubt and fears. This was to be done by avoiding extremes, promoting virtue, and defending republican government. King's ability to uphold these strategic ends was furthered by tactical reading that he conducted to navigate the daily problems of his mission, mostly importantly the infringements of neutral rights by the British Navy. By managing the problem of Atlantic-wide revolution and protecting trade rights, King was trying to protect American legitimacy in the international realm. King wanted America to avoid war and gain respect for its sovereignty. His mission was successful, even though he was forced to accede to compromises on most of the important issues with the British. The inability of Republican governments to build on his compromises or find new solutions to British depredations on the high seas would eventually lead to the War of 1812. After his return to New York in mid-1803, King followed the failures of relations between American and Britain with great interest, but it was only his election to the Senate in 1813 that gave him the public voice to make the case for American legitimacy through a free trade.

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[1] Commonplace Book, ca. 1802-1803, RK Papers, Vol. 75, N-YHS (hereafter cited as Vol. 75). Underlining is RK's. Internal evidence shows this notebook can be dated circa 1802-1803. In March 1803, RK flipped over the commonplace book and began to take notes on British-French negotiations from March-May 1803. Also, RK's excerpts from the first volume and the beginning of the second volume of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* in Vol. 75 were copied from Commonplace Book, ca. 1799-1806, RK Papers, Vol. 102, N-YHS (hereafter cited as Vol. 102). The vast majority of the commonplace book entries at Vol. 102 were likely written from mid-1799 to 1802, due to a note written by RK's third son that this notebook was owned by, "James King July 31 1799." RK seems to have appropriated the notebook after James began attending a boarding school after this date. These facts point to a date in 1802 or 1803 for Vol. 75. RK recorded that the commonplace extract on "Lawyers" came from the third volume, page 55, of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire*. See Inventory of Rufus King Library, 1827, Vol. 74, N-YHS for the entry marked as "Gibbon" and noted as having "12 vols." Also see Catalog of the King Library, ca. 1906, 8 vols., N-YHS Archive, N-YHS (hereafter cited as Catalog of the King Library, ca. 1906), which has a catalog record for Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, 12 vols. (London: Printed for A. Strahan and T. Cadell,

1791-1792). These volumes were not found among RK's books at N-YHS. The definitive discussion of Gibbon's historical approach can be found in J.G.A. Pocock, *Barbarism and Religion*, 5 vols. (Cambridge: Cambridge University Press, 2001-2011). A sixth volume is planned.

[2] David Womersley, "Appendix 3: Cancelland G1 in Volume the Second," to *The History of the Decline and Fall of the Roman Empire: Volume 1*, by Edward Gibbon (London: Penguin, 1995), 1114.

[3] Robert Ernst, *Rufus King: American Federalist* (Chapel Hill: The University of North Carolina Press, 1968), 291.

[4] Charles Hill, *Grand Strategies: Literature, Statecraft, and World Order* (New Haven, CT: Yale University Press, 2010), 2-8.

[5] For a similar use of history books see D. R. Woolf, *Reading History in Early Modern England* (Cambridge: Cambridge University Press, 2000), 79-131.

[6] William Johnson, "Translator's Preface" to *The Maritime Law of Europe*, Vol. 1, by M.D.A. Azuni (New-York, NY: Printed by George Forman for I. Riley, 1806), x.

[7] Bradford Perkins praises RK's actions as a diplomat from 1796-1803 in *The First Rapprochement: England and the United States 1795*-1805 (Philadelphia: University of Pennsylvania Press, 1955). Quote from RK to Elbridge Gerry, 2 April 1798, *LCRK*, Vol. 2, 303.

[8] For an overview of RK's mission see Ernst, *Rufus King*, 219-273; Aloha Broadwater, "Rufus King and American Foreign Policy: Minister to England in the Administration of George Washington, John Adams, and Thomas Jefferson, 1796-1803" (master's thesis, Kent State University, 1961); Perkins, *The First Rapprochement*. Some aspects of King's mission are discussed in Gerard H. Clarfield, *Timothy Pickering and American Diplomacy 1795-1800* (Columbia: University of Missouri Press, 1969), esp. 85-89,102-105, 112-114, 118,168-170, 195-196. Quote at RK to Robert Troup, 27 September 1799, RK Papers, Box 8, Folder 4, N-YHS.

[9] For background see Ernst, *Rufus King*; Broadwater, "Rufus King and American Foreign Policy"; Perkins, *The First Rapprochement*.

[10] RK's four sons were John Alsop King, age 8, Charles King, age 7, James Gore King, age 5, and Edward King, age 1. Rufus and Mary would have a fifth son in London, Frederick Gore King, born in 1802. Cyrus King was 24 years old and RK's youngest sibling. RK helped pay for Cyrus' education at Columbia College and brought him to London to give him exposure to sophisticated society.

[11] The seventh article commission negotiated a settlement for ships and cargoes seized in November 1794.

[12] On King's arrival in London and the houses he lived in, see Ernst, *Rufus* King, 219-220. When RK first arrived in London and was furnishing his house with French goods he declined to buy books from Paris saying, "the price of Books discourages me from purchasing at present." RK to Richard Codman, 6 November 1796, Letterbook, 1796-1803, RK Papers, Vol. 94, N-YHS; for receipts of King's purchases of dinnerware see RK Papers, Box 8, Folder 5, N-YHS; RK Papers, Box 9, Folder 1, N-YHS.

[13] James Raven, *The Business of Books: Booksellers and the English Book Trade* (New Haven, CT: Yale University Press, 2007), 157-167, esp. 157-158; James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800* (New York: Oxford University Press, 1992), 43.

[14] Raven, *The Business of Books*, 154-192 and 288-293, esp. 158-160, 175-176, 179-180, and 184-185. For shop addresses for each bookseller during 1796-1803 see the British Book Trade Index, accessed 11 September 2011, http://www.bbti.bham.ac.uk/. RK owned books sold by or printed for each of these shop owners, although it is impossible to conjecture if he bought them himself in London or not.

[15] Ernst, *Rufus King,* 67-68. For RK's continued management of Alsop's affairs after 1794 see The Letters and Accounts of Nicholas Low of New York, as Agent of The Hon[ble]. Rufus King, 1796-1802, RK Papers, Vol. 37, N-YHS. RK purchased government bonds worth $16,500 in six separate transactions in 1802. He divested his portfolio of the bonds over the course of 1806-1807, more than likely to pay for his farm in Jamaica, Long Island, which he bought in 1806. See Robert E. Wright, compiler, "U.S. Government Bond Trading Database, 1776-1835," accessed October 26, 2012, http://eh.net/databases/govtbond/.

[16] In a brief travel diary, RK mentioned rummaging through the bookshops in Leiden, the Hague, and Amsterdam and said, "I have been disappointed in the book stores – not being to find several books, and among them several copies printed in Holland, and among those I met with the Price was nearly equal to Prices in England." Notebook on Journey through Europe, 1802, RK Papers, Vol. 78, N-YHS. For information on RK's travels after he left the Low Countries see Charles J. Ingersoll, *Recollections: Historical, Political, Biographical, Social*, Vol. 1 (Philadelphia: J.B. Lippincott, 1861), 18, 235, 363; for RK's excitement on seeing "collections," in Holland and Paris, which presumably included books, see RK to Alexander Hamilton, 5 August 1802, Harold Syrett, ed., *The Papers of Alexander Hamilton Digital Edition* (Charlottesville: University of Virginia Press, Rotunda, 2011),

accessed 30 October 2012, http://rotunda.upress.virginia.edu/founders/ARHN-01-26-02-0001-0022. RK also made an order of books in Paris, presumably while he was visiting in 1802, but there was a problem with the shipment. RK wrote the bookseller Charles Pougens with a list of the books, undated but probably late 1803, at RK Papers, Box 9, Folder 6, N-YHS.

[17] RK bought a manuscript of Thomas Mathew's history of the Bacon Rebellion at an auction in 1801. See RK to Thomas Jefferson, 20 December 1803, RK Papers, N-YHS, Box 9, Folder 6. Also see *Catalogue, (Part II), of the Stock in Trade of the late Mr. W. Collins, Bookseller, deceased ... which will be sold by auction ... by Mr. King, at his Great Room, King Street, Covent Garden, on Monday, July 27, 1801, and 11 following days (on Tuesday, Nov. 10, 1801, and 23 following days), etc.* ([London: 1801]). The manuscript can be found at lot 5781, "Bacon's Rebellion in Virginia, 12mo, 1675,6."

[18] RK sold most of his map and chart collection to the federal government in 1818 for $1,334. See "Memorandum of the Cost and Collection of Charts, and Maps, including the cases &c[a]. (sent by Rufus King to Gen[l]. [Joseph Gardner] Swift) according to the original account of Faden, transmitted herewith – September 3, 1818," Commonplace Book and Newspaper Scrapbook, ca. 1815-1825, RK Papers, Vol. 104, N-YHS. This memorandum was tipped into the commonplace book; RK's retained copy of "Draft of account of maps sent to the Department of War, including maps, charts, and cases," 3 September 1818, RK Papers, Box 16, Folder 5. N-YHS; John C. Calhoun to RK, 5 August 1818, RK Papers, Box 16, Folder 5, N-YHS.

[19] For example, see the RK copy of André François Boureau Deslandes, *An Essay on Maritime Power and Commerce; Particularly Those of France* (London: Printed for Paul Vaillant, 1743). A printed label on the front pastedown notes it was from "Thomas's Circulating Library, Brighthelmston." This library was near Brighton, where RK and his family occasionally vacationed. Also see RK copy of J.F.D. Smyth, *A Tour in the United States of* America, 2 vols. (London: Printed for G. Robinson, Pater-noster Row; J. Robson, New Bond-Streeet; and J. Sewell, Cornhill, 1784). The front pastedown of the first volume contains the bookplate of W. and J. Morton and underneath in a manuscript hand is written, "Circulating Library New Brentford." This library was near Mill Hill, about ten miles outside London, where the King family rented a summer home.

[20] Upon RK's return to America, John Adams wrote a letter of thanks and said, "I was so situated that I could not acknowledge the Receipt of many Pamphlets of an interesting nature, which you were so good as to send me." Adams to RK, 10 July 1803, *LCRK*, Vol. 4, 284-285, quote on 284. RK facilitated a £75.2 purchase of books for John Quincy Adams, who was stationed in Berlin in 1802. RK's letter noted that he enclosed the invoice "of Books which you desired should be sent to you by Brooke & Rider." RK to John Quincy Adams, 29 May 1802, Letterbook, 1796-1803, RK Papers, Vol. 94, N-YHS. RK also sent books to William Vans Murray, the American minister to the Batavian Republic. See entry for 4 January 1798, Memorandum of Private Letters, 1796-1802, RK Papers, Vol. 95, N-YHS; RK to Vans Murray, 31 March 1798, William Vans Murray Papers, Reel 2, Library of Congress. RK also sent books to William Loughton Smith, the American minister to Portugal. See William Loughton Smith to RK, 12 May 1799, RK Papers, Box 5, Henry E. Huntington Library, San Marino, CA; Smith to RK, 5 June 1799, RK Papers, Box 5, Huntington Library. At the request of Sir Benjamin Thompson, Count Rumford, RK forwarded "Eleven packages, containing each a Copy of the Prospectus, Charter, Ordinances, Bye-Laws and Regulations, of the Royal Institution of Great Britain." Rumford to RK, 1 June 1800, RK Papers, Box 8, Folder 5, N-YHS. Also see RK to Robert Troup, 15 July 1799, RK Papers, Box 8, Folder 4, N-YHS.

[21] Memorandum of Private Letters, 1796-1802, RK Papers, Vol. 95, N-YHS, *passim*.

[22] On books and pamphlets sent to James McHenry, see RK to McHenry, 16 March 1799, *LCRK*, Vol. 2, 575; McHenry to RK, 7 June 1798, RK Papers, Huntington Library; McHenry to RK, 1 August 1800, Boston Public Library; McHenry to RK, 4 December 1797, RK Papers, Library of Congress; also see RK Papers, Vol. 95, N-YHS, entries dated 31 August 1798 and 8 December 1798.

[23] RK's copy of Antonio Bosio, *Roma sotterranea opera postuma di Antiono Bosio Romano* (Rome: appresso Guglielmo Facciotti, 1632). The £45 cost of this book translates to roughly $200 in 1800. The currency conversion was made at Measuring Worth, accessed 9 September 2012, http://www.measuringworth.com/. The value of this book relative to two-thirds of a farmer's yearly wage assumes that a day laborer in America made a dollar a day, but it must be noted that wages varied widely by time, place, and skill level, and that many laborers did not work everyday. For the one dollar a day wage of a day laborer in America in the early nineteenth century see Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 49, 52, 72, 159.

[24] See note 14 above.

[25] RK's copy of John Cranch, *Narrative Relating to the Real Embalmed Head of Oliver Cromwell, Now Exhibiting in Mead-Court, in Old Bond-Street* (London?, 1799), annotation on verso of title page.

[26] Nicolas Onuf and Peter Onuf, *Nations, Markets, and War: Modern History and the American Civil War* (Charlottesville: University of Virginia Press, 2006), 56.
[27] RK to probably William Coleman, 9 February 1817, *LCRK*, Vol. 6, 55-56. Some of the figures he knew were William Wilberforce, Sir James Mackintosh, Sir Joseph Banks, Sir John Sinclair, William Strickland, Sir William Pulteney, and Thomas Coke, Earl of Leicester, among others. For correspondence with these luminaries, see RK Papers, Vol. 25, N-YHS, *passim*. Also see article on "Prof. Zerah Colburn, A.M." in *Norwich University 1819-1911: Her History, Her Graduates, Her Honor Roll*, *Vol. 2. Sketches of the Trustees, President, Vice-Presidents, Professors, Alumni, and Past Cadets 1820-1866,* ed. William Arba Ellis (Montpelier, VT: Capital City Press, 1911), 82. Colburn was a mathematical prodigy who became a sensation for his quick calculating abilities. In 1812, at the age of eight, Colburn traveled to Liverpool with his father carrying letters of introduction from RK and Elbridge Gerry. The list of figures they met is listed, although the article does not make it clear if RK or Gerry knew them.
[28] Marjorie Swann, *Curiosities and Texts: The Culture of Collecting in Early Modern England* (Philadelphia: University of Pennsylvania Press, 2001), 8, 150, 194. Swann has persuasively argued that accumulating texts in seventeenth century England was a form of self-fashioning that gave cultural clout to the collector.
[29] The literature on commonplace books is large and has flourished in recent years. For general discussion of commonplace books see Jillian M. Hess, "Coleridge's Fly-Catchers: Adopting Commonplace-Book Form," *Journal of the History of Ideas* 73 (July 2012): 463-483; Ann Blair, *Too Much to Know: Managing Scholarly Information before the Modern Age* (New Haven, CT: Yale University Press, 2010), 69, 72-73, 89-90; David Allan, *Commonplace Books and Reading in Georgian England* (Cambridge: Cambridge University Press, 2010), esp. 62-63; Robert Darnton, "The Mysteries of Reading," in *The Case for Books: Past, Present, and Future* (New York: PublicAffairs, 2009), 149-173; David Allan, *Making British Culture: English Readers and the Scottish Enlightenment, 1740-1830* (New York: Routledge, 2008), 134-153; Stephen Colclough, *Consuming Texts: Readers and Reading Communities, 1695-1870* (Basingstoke: Palgrave Macmillian, 2007); Heidi Brayman Hackel, *Reading Material in Early Modern England: Print, Gender, and Literacy* (Cambridge: Cambridge University Press, 2005), 143-149; Peter Colclough, "'A Grey Goose Quill and an Album': the Manuscript Book and Text Transmission, 1800-1850," in *Owners, Annotators and the Signs of Reading*, eds. Robin Myers, Michael Harris, and Giles Mandelbrote (New Castle, DE: Oak Knoll Press, 2005), 153-173; Lucia Dacome, "Noting the Mind: Commonplace Books and the Pursuit of the Self in Eighteenth-Century Britain," *Journal of the History of Ideas* 65 (October 2004): 603-625; Susan M. Stabile, *Memory's Daughters: The Material Culture of Remembrance in Eighteenth-Century America* (Ithaca, NY: Cornell University Press, 2004), 8-14, 80-82, 133-134; Earle Havens, "'Of Common Places, or Memorial Books': An Anonymous Manuscript on Commonplace Books and the Art of Memory in Seventeenth-Century England," *Yale University Library Gazette* 76 (April 2002): 136-153; Earle Havens, *Commonplace Books: A History of Manuscripts and Printed Books from Antiquity to the Twentieth Century* (New Haven, CT: University Press of New England, 2001); Ann Moss, "The *Politica* of Justus Lipsius and the Commonplace-Book," *Journal of the History of Ideas* 59 (July 1998): 421-436; Stephen Colclough, "Recovering the Reader: Commonplace Books and Diaries as Sources of Reading Experience," *Publishing History* 44 (1998): 5-37; Susan Miller, *Assuming the Positions: Cultural Pedagogy and the Politics of Commonplace Writing* (Pittsburgh: University of Pittsburgh, 1998); Richard Yeo, "Ephraim Chambers's *Cyclopaedia* (1728) and the Tradition of Commonplaces," *Journal of the History of Ideas* 57 (January 1996): 157-175; Ann Moss, *Printed Commonplace-Books and the Structuring of Renaissance Thought* (Oxford, Eng.: Clarendon Press, 1996).
[30] Havens notes that commonplace books are often cataloged under a variety of names including notebooks, miscellaneous books, pocket books, memorandum books, diaries, thesauruses, anthologies, albums, scrap books, sylvae, table books, florilegia [gathering of flowers], vade mecum [go with me]. Havens, *Commonplace Books*, 10; Hess describes the change that begins to take place in Enlightenment and Romantic era commonplace books, and argues against the tendency to deny the label of "commonplace book" to Samuel Taylor Coleridge's notebooks in "Coleridge's Fly-Catchers," 467-471. Similarly, the catalog of N-YHS refers to these books as "notebooks," but they should be labeled as commonplace books.
[31] On the role of commonplace books in self-fashioning and identity formation see David Allan, *Commonplace Books and Reading in Georgian England*, 2-5, 19, 57, 61-63, 251-252; David Allan, *Making British Culture*, 143, 177, 182, 197; Colclough, *Consuming Texts*, 17; Havens, *Commonplace Books*, 30.
[32] Vol. 102.
[33] Vol. 75.
[34] David Womersley, *Gibbon and the* '*Watchmen of the Holy City*': *The Historian and his Reputation 1776-1815* (New York: Oxford University Press, 2002), 207-240, esp. 207-209. See RK's copy of Edward Gibbon,

Miscellaneous Works of Edward Gibbon, Esquire. With Memoirs of his Life and Writings, Composed by Himself, 2 vols. (London: A. Strahan, and T. Cadell Jun., 1796). It contains no marginalia. RK's copy is currently uncataloged at N-YHS.

[35] Evidence for their relationship can be found in marginalia in a book that Sheffield sent to King after his return to America. RK copy of *Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain* (London: Printed for W. Bulmer, 1806). On the title page Lord Sheffield wrote "To Rufus King Esq / From the Author."

[36] See note 1 above.

[37] On other figures using commonplace books to manage change and anxiety see Darnton, "The Mysteries of Reading," 149-173; Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven, CT: Yale University Press, 2000), 170-252, esp. 181-198; Kenneth A. Lockridge, *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century* (New York: New York University Press, 1992).

[38] *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Cornelius Sulla Felix, Lucius," by E. Badian, accessed 29 October 2012, http://www.oxfordreference.com.

[39] Vol. 102, under the heading "Popular Concessions." The underlining is RK's. For background on the decision of Pompey and Crassus to restore the powers of the tribunal see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Rome (history)," by John F. Matthews, accessed 29 October 2012, http://www.oxfordreference.com.

[40] Heinz Duchhardt, "Peace Treaties from Westphalia to the Revolutionary Era," in *Peace Treaties and International Law in European History from the Middle Ages to World War One*, ed. Randall Lesaffer (Cambridge: Cambridge University Press, 2004), 58.

[41] This quote can be found in both Vol. 75 and Vol. 102. In Vol. 75, RK did not give it a heading and recorded it could be found at "1 Gibbon 255." In Vol. 102 RK gave it the heading "Gordian the younger" and noted it came from "1 Gibbon 253." The underlining is RK's. For background on both Gordian I and Gordian II see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Gordian I (Marcus Antonius Gordianius Sempronianus Romanus)," by John Frederick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.

[42] Vol. 102. This can be found under the heading "Extracts &c." RK recorded the Latin in his commonplace book, "Nullum esse librum tam malum ut non ex aliquâ parte prodesset." On Pliny the Elder see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Pliny (1) the Elder," by Nicholas Purcell, accessed 29 October 2012, http://www.oxfordreference.com.

[43] This can be found in both Vol. 75 and Vol. 102. Quote used here is from Vol. 75. In both commonplace books, RK noted this could be found at "1 Gibbon 392." In Vol. 75 this can be found under the heading "A character." In Vol. 102, RK gave it the heading "Character of Gallienus Son of Valerian," and copied it with slight differences from Vol. 75, "He was å master of several curious & [above the ampersand RK wrote, "but"] useless sciences, a ready orator, an Elegant poet, a skillful Gardner, an excellent cook, & most contemptible Prince." On Gallienus see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Licinius Egnatius Gallienus, Publius," by Brian Herbert Warmington and John Frederick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.

[44] All material on Honorius can be found at Vol. 75 under the heading "Talents." RK noted it came from "5 Gib. 160." On Honorius *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Honorius," by Raymond Peter Davis, accessed 29 October 2012, http://www.oxfordreference.com.

[45] Vol. 102 under the heading "Scholar & Soldier." RK noted this came from "Gibbons Memrs." Also in Vol. 102, RK copied that it was easy to waste time, energy, and talents, "[i]n the investigation of the origin of Nation, "our Curiosity consumes itself in toilsome and disappointed Efforts." RK noted this came from "1 Gib. 314."

[46] Vol. 75, under the heading "Boethius AD 524." RK noted that this came form "7 Gib. 43." Also see Vol. 75, under the heading "Virtue", where RK recorded "True virtue says Aristotle is placed at an equal distance between opposite vices." RK noted this came from "4 Gib. 34." On Boethius see *The Oxford Classical Dictionary*, 3rd rev. ed, s.v. "Boethius, Anicius Manlius Severinus," by Andrew D. Barker, accessed 29 October 2012, http://www.oxfordreference.com.

[47] See extracts in Vol. 75 under the headings "Presents to Ambassadors" and "Presents." RK did not provide a volume and page number for the former heading, but noted the latter could be found at "1 Gibbon 328." Vol. 102 has the same extracts on presents under same headings, and RK notes the former could be found at "1 Gibbon 361" and the latter at "1 Gib. 328."; See Vol. 102 for material on bribery. RK recorded material under the headings "Bribery in Politics," and "Bribery," both of which reference a discussion RK had with Sir John Dalrymple about bribery during the English Civil War. Also see the headings "Political Bribery," which RK extracted from "Sueton. j. Cæsar. 19," and Military Bribery," which RK noted could be found at "Cicero ad Att. 1. 16."

[48] Vol. 102, under the heading "A House." After this line, RK wrote the Latin from Gibbon's text, "Ornanda est enim Dignitas domo, non ex domo tota quærenda. De Offic. 1. 39." For a short reference to Cicero's house see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Tullius Cicero (1), Marcus," by John Hedley Simon and Dirk Obbink, accessed 29 October 2012, http://www.oxfordreference.com.
[49] In an undated scrap note, RK recorded "'There is Language in the Eye, the Cheek, the lip, nay [t]he foot speaks' – Shakespeare." This line from *Troilus and Cressida*, Act 4, Scene 5 reflects RK's desire to remove the veil of political events to see the truth of any situation. RK stressed gathering information around him throughout his life.
[50] Vol. 75, under the heading "Language of Ministers." RK noted this came from "7 Gib. 26."
[51] Vol. 102, under the heading "Extracts &c." RK noted this came from "Gibbon's Mem[rs]." Under this same heading, RK also extracted, "Cicero's Epistles afford models of every form of correspondence, from the careless Effusions of friendship, to the well guarded declaration of discreet and dignified Resentment." This was also from "Gibbon's Mem[rs]."
[52] In scrap notes made in preparation for the 1821 New York state constitutional convention, RK created the heading "Bonaparte" and said, "[g]reat and extraordinary as Bonaparte was he combined in his own character Elements of his own Destruction." RK Papers, Box 19, Folder 1, N-YHS.
[53] Vol. 75, under the heading "Phrase." The underlining is RK's. He did not note where this came from in the commonplace books, but it can be found at the discussion of Flavius Rufinius, consul and praetorian prefect under Emperor Theodosius I, in Gibbon, *The Decline and Fall of the Roman Empire*, Chapter 29.
[54] Vol. 75, under the heading "Thrones." RK noted this came from "1 Gib. 181." Underling is RK's. It also recorded in Vol. 102, under the heading "Reign of Severus." RK noted this passage came from "Gib. 1 V. 181." The quote comes from the version at Vol. 75. On Severus see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Septimius Severus, Lucius," by Anthony R. Birley, accessed 29 October 2012, http://www.oxfordreference.com.
[55] Quote and reference to Bonaparte from Vol. 102. RK did not give this a heading, but noted it came from "1 Gib. 200." This passage is also in Vol. 75, under the heading "Usurpers." Bonaparte is not referenced in the extract from Vol. 75. On Macrinus see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Opellius Macrinus, Marcus," by Henry Michael Denne Parker and John Fredrick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.
[56] Vol. 75, under the heading "Roman Imperial Succession." RK noted this came from "Gibbon," but did not provide page numbers. This quote can also be found in Vol. 102 with no heading. In that commonplace book, RK noted the passage came from "1 Gib. 242." On Maximinus see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Iulius Verus Maximinus, Gaius," by John Frederick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.
[57] Vol. 75, under the heading "AD. 250 Great Famine & Plague." RK noted this came from "1 Gib. 403." Underlining is RK's. On the Plague of Cyprian and its consequences see Markus Vinzent, "Rome," in *The Cambridge History of Christianity: Origins to Constantine*, Vol. 1, eds. Margaret M. Mitchell, Frances M. Young and K. Scott Bowie (Cambridge University Press, 2006), 401, accessed 29 October 29 2012, http://histories.cambridge.org.
[58] Quote from Vol. 75, under heading "Soldiers of Justinian." RK incorrectly noted that Gibbon was discussing soldiers under Justinian, who ruled in the sixth century. RK commonplaced this material from a footnote in Gibbon, *The Decline and Fall*, Chapter XVII. RK recorded the first half of the footnote under the same heading, "Ferox erat in suos miles et rapax, ignavus vero in Hostes et fractus." RK noted this came from "Ammian L. 22. C 4." On Julian see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Julian 'the Apostate' (Iulianus, Flavius Claudius)," by Rowland B.E. Smith, accessed 29 October 2012, http://www.oxfordreference.com; on Ammianus Macellinus see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Ammianus Marcellinus," by John F. Matthews, accessed 29 October 2012, http://www.oxfordreference.com.
[59] Quote from Vol. 102, under heading "Gordianus (or Gordian)." RK noted this came from "1 Gibbon 252." Underlining is RK's. This can also be found in Vol. 75 without a heading. On Gordian I and Gordian II see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Gordian I," by John Frederick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.
[60] Quote from Vol. 75, under the heading "Papinian." RK noted this came from "1 Gib. 192." The extract can also be found in Vol. 102 without a heading. Also see the heading "Reputation" in Vol. 75, underneath which RK extracted Gibbon's comment about Mellobaudes, a fourth century Frankish King, "who maintained, (speaking of a chief of the Franks) to the last moment of his life, the ambiguous Reputation which is the just recompense of obscure & subtle Policy." RK noted this came from "5 Gib. 9." Underlining is RK's. On Papinian see *The Oxford*

Classical Dictionary, 3rd rev. ed., s.v. "Aemilius Papinianus," by Tony Honoré, accessed 29 October 2012, http://www.oxfordreference.com.

[61] Vol. 75, both quotes under the heading, "Origin of y[e] french Monarchy A.D. 481." RK noted both quotes came from "6 Gib. 277." Underlining is RK's. On Childeric and Clovis see Raymond Van Dam, "Merovingian Gaul and the Frankish Conquests," in *The New Cambridge Medieval History*, *c.500-c.700*, Vol. 1, ed. Paul Foreacre (Cambridge University Press, 2005), 197-198, accessed 29 October 2012, http://histories.cambridge.org.

[62] Vol. 75, under the heading "Toleration of Polytheism." RK noted this came from "2 Gibbon p. 316." After RK turned the page and continued his commonplacing of this passage, he changed the heading to "Roman Popular Assemblies not permitted – without the presence of a magistrate." See RK's copy of Pliny the Younger, *The Letters of Pliny the Consul: With Occasional Remarks*, trans. William Melmoth, 2 vols. (Dublin: Printed for Thomas Ewing, 1765).

[63] Vol. 75, a "Remark" after the extract under "Toleration of Polytheism." Part way through his "Remark," RK began writing on a new page and provided the heading "Roman Popular Assemblies not permitted – without the presence of a magistrate" for the last section. In his "Remark," RK also cited "Valerius maximus L. 1. C. 3" and quoted Latin extracts from "L. 39. C. 16" and "L. 36. C. 25" of Livy's *History of Rome* to support his view that the Roman Constitution was the reason Judaism and Christianity were persecuted. See RK's copy of Pliny the Younger, *The Letters of Pliny the Consul: With Occasional Remarks*, trans. William Melmoth, 2 vols. (Dublin: Printed for Thomas Ewing, 1765); Titius Livius, *The History of Rome*, trans. George Baker, 6 vols. (London: Printed for A. Strahan, and T. Cadell Jun. and W. Davies, 1797); Titius Livius, *Titi Livii patavini historiarum ab ure condita*, 7 vols. (Paris: Typis Barbou, 1775); Titius Livius, The Roman History Written in Latine by Titus Livius (London: Printed for Awnsham Churchill, 1686); The catalogs of RK's library do not record anything by Valerius Maximus.

[64] RK felt Gibbon was on better ground when he wrote about religion in general. He approvingly cited Gibbon comment that "according to the Principles upon which the Roman Republic was founded [t]he fidelity of the Citizens to each other, and to the state, was confirmed by the habits of Education and the prejudices of Religion." Vol. 75, but this quote does not have a heading, although RK noted it came from "6 Gibbon 363."

[65] Quote from Vol. 75, under the heading "Power & Authority." RK noted this came from "1 Gib. 356." This was also extracted at Vol. 102, under the same heading. In this version, RK noted that Gibbon was referring to Emperor Decius. At Vol. 102, RK recorded, "[c]onscious that the favour of the Sovereign may confer power, but that the Esteem of the People can alone bestow Authority" – he submitted the choice of y^e^ Censor to the unbiased view of the Senate." RK noted this came from "1 Gibbon 356." On Decius see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Messius Quintus Decius, Gaius," by Brian Herbert Warmington and John Frederick Drinkwater, accessed 29 October 2012, http://www.oxfordreference.com.

[66] Vol. 75, under the heading "Revolutions." RK did not note a volume or page number, although this extract is between two paginated passages, the first from "1 Gibbon 392" and the latter "1 Gibbon 395." On the Roman version of the Thirty Tyrants see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "'thirty tyrants,'" by Brian Herbert Warmington, accessed 29 October 2012, http://www.oxfordreference.com.

[67] Material on the Swiss can be found in Vol. 102, under the headings "Revolutions" and "Swiss!" No page numbers were provided by RK. The passages were from RK's copy of Gibbon, *Miscellaneous Works of Edward Gibbon*, 132.

[68] Material on Ricimer and Anthemius can be found at Vol. 75, under the heading "Anthemius y^e^. Emp. dethroned by his Son in Law Ricimer." RK did not provide volume or page numbers, although the extract can be found between two passages with citations of "6 G. 171" and "6 Gib. 261." The quote on the separation of Britannia from the Roman Empire can be found in Vol. 75, under the heading "Independence of Britain." RK noted it came from "5 Gib. 338.39." Underlining is RK's. On Ricimer see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Ricimer," by Peter John Heather, accessed 29 October 2012, http://www.oxfordreference.com; on Anthemius see *The Oxford Classical Dictionary*, 3rd rev. ed., s.v. "Anthemius," by Jill Diana Harries, accessed 29 October 2012, http://www.oxfordreference.com. On Roman Britain see *The Oxford Companion to British History*, s.v. "Roman Britain," by Eleanor Scott, accessed 29 October 2012, http://www.oxfordreference.com.

[69] All quotes from Vol. 75. The passage on Britannia does not have a heading. RK noted it came from "5 G. 343."

[70] Vol. 75, with the heading "Ravages and Depopulation of War." RK did not provide a volume or page number for this extract, although it is between passages cited at "6 Gibbon 128" and "6 Vol. 160." On Attila see *The Oxford Dictionary of Byzantium*, s.v. "Attila," by Timothy E. Gregory, accessed 29 October 2012, http://www.oxfordreference.com.

[71] Vol. 75, no heading. RK noted this came from "5 Gib. 81."

[72] Vol. 102, under the heading "Pay de Vaut." This was taken from Gibbon's *Memoir* by RK.

[73] RK to Pickering, 21 March 1799, *LCRK*, Vol. 2, 584. Also see Ingersoll, *Recollections*, 358-359.
[74] Very little secondary material on Azuni exists. See *Encyclopedia Britannica*, 11th ed., s.v. "Domenico Alberto Azuni," accessed 29 October 2012, http://www.1911encyclopedia.org/Domenico_Alberto_Azuni.
[75] Dominique-Albert Azuni, *Système universel de principes du droit maritime de l'Europe*, Vol. 2 (Paris: de l'imprimerie de digeon, 1798), 209. RK marginalia states "au contraire, Temoin [témoin] le [illegible] Traité avec l['] angleterre!" (on the contrary, witness the [illegible] treaty with England) at a passage about Russia's interest in neutral commerce because of the nation's abundant resources and lack of shipping to export them. In light of this situation, Azuni argues, "[t]his is another motive to render her desirous that neutrals, who supply themselves there [Russia], should be protected in their navigation during a maritime war. She will not fail, therefore, to seize with eagerness every occasion to revive, and give solidity and force to the rights of neutrals, and to sanction the proposition for making them respected. If ever she find this great work commenced by other nations, far from contradicting the policy she has already exhibited, in 1780, she will assuredly give it new strength by her accession." The English translation of the original French can be found in M. D. A. Azuni, *The Maritime Law of Europe*, trans. William Johnson, Vol. 2 (New-York, NY: Printed by George Forman for I. Riley, 1806), 191-192. The reference to 1780 was a reminder that Russia backed the rights of neutral commerce in the League of Armed Neutrality during the American Revolution. RK's marginal comment rejects Azuni's assertion of Russian interests and refers to the Anglo-Russian Convention of 1801, "which detailed the conditions under which free ships made free goods and limited the right of search of ships under convoy and the right of neutrals to trade with the colonies of belligerents." Quote on the 1801 convention from James Monroe to James Madison, 8 September 1804, n5 in *The Papers of James Madison Digital Edition*, ed. J. C. A. Stagg (Charlottesville: University of Virginia Press, Rotunda, 2010), accessed 29 October 2012, http://rotunda.upress.virginia.edu/founders/JSMN-02-08-02-0024.
[76] Robert DeMaria, *Samuel Johnson and the Life of Reading* (Baltimore: Johns Hopkins University Press, 2009), 4, 65-104. One example of RK's methodical reading can be found at a point where he changed the acute accent in the printed word "donné" to the grave accent of "donnè" at Azuni, *Système universel*, Vol. 1, 109. RK was methodical in all aspect of his life. For example, he measured every interior architectural feature of the house he rented at Mill Hill, a suburb about ten miles from London, including the stairs, each one "Rising 6 inches." He also noted "The 14" [14 inch] Step is a flat one, about 2 F. 3 I. wide at the narrow end; the bottom of it is 6 F. 7 ½ I. inches from the Floor, sufficient for a Door, to swing [illegible], into the back passage &c. 14 Steps more lands upon the five floor[s]." All measurements can be found at Commonplace Book, ca. 1799-1802, RK Papers, Vol. 79, N-YHS. This can be found under the heading "Mill-Hill House."
[77] Broadwater, "Rufus King and American Foreign Policy," 29, 42; Ernst, *Rufus King*, 237; Perkins, *The First Rapprochement,* 63-65.
[78] Broadwater, "Rufus King and American Foreign Policy," 32, 36.
[79] Ernst, *Rufus King*, 244.
[80] RK annotations can be found in his copy of Azuni, *Système universel*, Vol. 1, 3-4. English translation cited here from Azuni, *The Maritime Law of Europe*, Vol. 1, 13-14. All references to footnotes in the text of the English translation in this, and all subsequent citations, have been silently omitted.
[81] Some of the many examples can be found at RK's copy of Azuni, *Système universel*, Vol. 1, vertical line in margin at 21, chevrons at 24, underlining at 29, small x's at 36, underlining at 41,vertical line in margin at 49, chevrons at 55n1; also see Azuni, *Système universel*, Vol. 2, underlining on 61.
[82] RK copy of Azuni, *Système universel*, Vol. 1, 10. The English translation is from Azuni, *The Maritime Law of Europe*, Vol. 1, 123. At page 122 of the English edition, the translator, William Johnson, made explicit what the French edition only implies, by adding that Canute's, "heart was not inflated with those vain and ridiculous pretensions to the empire of the sea, so much cherished by the kings of England. Uninfluenced by that insulting pride, so natural to them, he observed an opposite conduct."
[83] Ernst, *Rufus King*, 241-242; Perkins, *The First Rapprochement*, 81-82.
[84] Broadwater, "Rufus King and American Foreign Policy," 83, 91-92; Perkins, *The First Rapprochement*, 126-128.
[85] RK copy of Azuni, *Système universel,* Vol. 2, chevrons in margin at 12; English translation at Azuni, *The Maritime Law of Europe*, Vol. 2, 21-22.
[86] RK copy of Azuni, *Système universel,* Vol. 2, chevrons in margin at 62; English translation at Azuni, *The Maritime Law of Europe*, Vol. 2, 77.
[87] RK copy of Azuni, *Système universel,* Vol. 2, manicule and underlining at 182-183; English translation at Azuni, *The Maritime Law of Europe*, Vol. 2, 176-178.
[88] RK copy of Azuni, *Système universel,* Vol. 2, vertical line and marginalia at 196-197; English translation at Azuni, *The Maritime Law of Europe*, Vol. 2, 184-185.

[89] RK to Lord Grenville, 11 May 1799, *LCRK*, Vol. 3, 15-17.
[90] On the Jefferson administration's concern about spoliation see Broadwater, "Rufus King and American Foreign Policy," 92; on the *Polly* decision see Ernst, *Rufus King*, 244; Broadwater, "Rufus King and American Foreign Policy," 72-74; Perkins, *The First Rapprochement*, 88-89; on RK's friendship with Scott see Ernst, *Rufus King*, 223; Perkins, *The First Rapprochement*, 93-94.
[91] Ernst, *Rufus King*, 274.
[92] RK copy of Azuni, *Systême universel,* Vol. 2, manicule at 202; English translation at Azuni, *The Maritime Law of Europe*, Vol. 2, 187.

CHAPTER 4: Rufus King and Free Trade: Reading Political Economy, 1785-1822

"on y^{e} mountain wave and there we are destined to contend for Greatness"
-Rufus King scrap note, ca. 1825[1]

Rufus King's instrumental use of books, specifically his intensive reading of law, history, and philosophy, proved to be an essential component of his political and diplomatic success in the late eighteenth and early nineteenth centuries. After returning to New York in June 1803, he stayed in contact with Federalist leadership and bought a farm on Long Island before his election to the U.S. Senate in 1812. Toward the end of the War of 1812, King reported to a London correspondent that during the last decade, "my books, [and] a little Farm, with the amusements of the Country have occupied my Time, which I have passed in good health, in the Bosom of my Family."[2] A good portion of his reading around the time he wrote that line involved works of political economy. Combining moral philosophy, politics, and the economic study of states, political economy considered the best methods of organizing and deploying resources to the advantages of a nation.[3] King connected his version of political economy to his concern with the law of nations. International law provided the rules for global trade, the space in which exchanges could be made, and the means through which nations could utilize wealth to their benefit. Only legitimate nations were included in this system of law and trade, and by complying with the moral code of the system, King believed America would reinforce its status among the community of nations.

King wanted to take advantage of the space to exchange goods and the legitimacy that the traffic of trade conferred through a political economy that emphasized free trade and diverse networks of international commerce under the protection of a strong navy. King understood the commercial sector of the economy created wealth by sending the products of agriculture and manufacturing to the world's most dynamic markets. King assumed there would always be

agricultural abundance in America, recognized manufacturing as improving, and worried about the long-term consequences of a speedy westward shift in population.[4] Each required an outlet to sell their surplus, which meant overseas markets to King. Therefore, King believed government had to emphasize navigation and commercial policy to guarantee American goods access to international markets. By fostering commercial interaction, King believed the United States would also provide opportunities for American sailors and fishermen to hone skills that could ultimately be employed by the American Navy in times of crisis. This was especially pertinent as King maintained that the most threatening attacks on American legitimacy and sovereignty would come from the ocean after 1815.[5] He was convinced this system would encourage sympathy between nations, preserve peace, and promote civilization. While King's vision of political economy can be called conservative, if one focuses on the leadership role he gave elites and merchants, when seen in the larger context of national legitimacy and his promotion of a moral society through the law of nature and nations, it is clear King's political economy was driven by a long-term, positive view of the nation's future and the common good.[6]

An examination of King's vision of American political economy shows that his stance was different from Alexander Hamilton's support for large-scale manufacturing and the varied stance of Democratic-Republicans. Thomas Jefferson and James Madison focused on agriculture, but always understood the need to ship agricultural surpluses and after the War of 1812, came to comprehend the need for home manufacturing. But they downplayed their commercial ideology over fears it would corrupt farmers. Jefferson and Madison also argued for free trade, but King believed their vision of the concept did not incorporate national concerns and that they did not do enough to support the American Navy.[7] King envisioned free trade empowering the state in a way Jefferson and Madison did not. Tench Coxe promoted a political economy based on

decentralized pockets of manufacturing in a developing West, where abundant raw materials would be available. He hoped the West would become connected to the Atlantic states through internal improvements funded by the government. Such a plan had little appeal to King, who expressed concerns over the rapid movement of the populace to the West and had doubts about the constitutionality of large-scale internal improvements, although he did vote for some road and canal building in the 1810s and 1820s. In the early 1790s many small manufacturers switched allegiances from the Federalists to the Republicans over the lack of protective tariffs in Hamilton's financial plan. King was against tariff protections in the 1790s, but reluctantly voted for the 1816 tariff, although he was against the 1824 tariff. King supported manufacturing, but he feared the political activity of small-scale industrialists. His focus was firmly on free trade policy that favored international merchants and shipbuilders. His support for the shipping interests far outweighed the encouragement he gave to farmers and industrialists.[8]

But King's particular brand of nationalism focused on the culture of New England and New York. By emphasizing and increasing overseas commerce, the nation would create the wealth necessary to pay for a government that acquired almost all its revenue from import duties, it would also revitalize the New England and the Mid-Atlantic regions and give them more influence in national affairs.[9] King promoted a form of "sectional nationalism" that would spread the values of the shipping interests to the rest of the nation through the wealth generated by free trade.[10] This eastward and outward looking nationalism was at odds with the trend in westward migration that King noticed. He wrote with trepidation to his friend and former Senator, Christopher Gore, that, "[u]nless the navigation and commerce of the U. S. become more extensive and prosperous, the Northern States will continue to lose their relative importance, and, with this, their Population and Wealth will be certain to suffer. If we are not to

be commercial, but agricultural and, if you please manufacturing, the Western Country ought, & will be, the favored Region in which both will prosper."[11] King took it for granted that the nation would thrive, but he questioned which regional vision would dominate. At the beginning of the War of 1812 King argued that the conflict had been imposed on the commercial sector to support the frontier.[12] After the war he wanted to reverse this trend and give the shipping interest an advantage in an attempt to slow migration to the West and create a more balanced economy built on free trade.

What did King mean when he argued for free trade? According to the historian Paul Gilje, the concept was open-ended and had three distinct meanings. First, it involved the absence of all trade barriers. In addition, it was a defense of neutral rights, under which no nation could interfere with neutral trade in non-contraband goods, even if that neutral nation traded with a belligerent in a war. This was commonly referred to as "free trade makes free goods." Lastly, the term could refer to reciprocal agreements meant to equalize any regulations of trade other nations might institute. King combined the first and third concepts, arguing that America needed short-term reciprocal agreements until all barriers to trade could be destroyed.[13] In March 1822, when King argued for an extension of previous American trade regulations aimed at Britain, he claimed "we desire to concur in the establishment of free trade with every nation, we are ready to abandon the restriction to English navigation, as soon as England manifests a disposition to give up the restrictions which she was the first to impose on our navigation."[14] He made similar statements against French trade restrictions, even though they did not have the same impact on the American economy as the British regulations.[15] This was the stance he held throughout his career, but King only forcefully asserted it after the War of 1812 when the nation was stronger and more established. This becomes especially apparent in 1818 when he led the effort for trade

retaliation against Great Britain. Evidence of his reading on political economy can be found at all points of King's political career, but his examination of free trade texts escalated during the Era of Good Feelings. [16]

Political Economy 1785-1815

King began looking eastward toward the Atlantic at an early age. His father was a successful lumber merchant in Maine and he represented clients involved with overseas trade during his short legal career in the early 1780s.[17] While serving in the Continental Congress in New York, King married Mary Alsop, the only child of the merchant and insurance salesman John Alsop, in 1786. King handled most of Alsop's business paperwork until his death in November 1794, at which point King inherited Alsop's property and managed it with success. While King did not continue in the shipping or insurance business, he loaned money to merchants and invested in the endeavors of others.[18] While the American Minister in Britain, King protected the interests of merchants and sailors and when he rejoined the Senate in 1813, he became a key node of information for the merchants of New York City. In addition, King's half-brother, William, two sons, Charles and James, and their father-in-law, Archibald Gracie, were all merchants. Upon reverses by his sons and Gracie in the early 1820s, King loaned them tens of thousands of dollars to keep them afloat.[19]

King began his political career in the General Court of Massachusetts in October 1783, and voted against giving Congress the power to regulate trade through the impost. He would quickly slough off this provincialism after he was elected to the Continental Congress in December 1784. Once he was forced to deal with the larger interests of the central government, his views slowly expanded. Reading was an essential aspect of the growth of King's nationalist thinking.[20]

In late May or early June 1785, King began reading Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations*.[21] King found it useful when trying to evaluate the designs of the British government as John Adams, the American minister in London, worked to sign a trade agreement. After reading a particularly negative report from Adams, King's reading of Smith's work had him doubting the efficacy of trade treaties. King told his friend and fellow Congressman Elbridge Gerry that, "if his [Smith's] theory is just, our plans are all wrong; upon his system our commerce may be wholly regulated within ourselves without Treaties."[22] King was probably referring to "Of Treaties and Commerce," the fourth chapter of Book Four of *The Wealth of Nations*. Titled, "Of Systems of Political Economy," Book Four challenged the argument that national wealth depended upon protecting domestic markets and valuing trade on the basis of gold and silver. Smith claimed it was more efficient to open markets to foreign competition and to base value on labor. Protecting domestic markets would artificially raise prices, undercut improvement, and retard the progress of civilization. While Smith said any nation that adopted his plan might experience short-term hardships, competition would eventually stimulate trade and create a more robust economy. This system of free trade was optimal, Smith said, but he realized nations might have to make short-term compromises and regulate trade in order to create reciprocity with competitors. In this, King's first recorded encounter with a free trade text, he found an approach that, "will not only direct but drive America into a system more advantageous than treaties and alliance with all the world—a system which shall cause her to rely on her own ships & her own marines, and to exclude those of all other nations."[23] King would push for free trade whenever possible, but would be prepared to negotiate and eventually legislate for reciprocity until it became a reality.[24]

King continued to express free trade views through the 1790s, some of which which can be found in the detailed comments he made in a pamphlet containing a 1793 speech of Henry Dundas, the Scottish cabinet official. Dundas was speaking on British trade policy in the East Indies, and marginalia in King's copy of the speech provides access to his thoughts on the large role played by merchants, free of restraints, as the purveyors of civilization, as well as goods. At a point in the text where Dundas lauded the East India Company for accepting the fact that it would not be receiving all the interest due from its stock, King wrote in the margin

> Gratitude is not due to a Merchant but to God who makes interest actuate [to] Mankind to an interchange of benefits – hitherto Gov^{ts}. have always counteracted the designs of Providence by restrictions &c^{a}. It was formerly deem'd injurious to trade in grain & hence the Country where scarcity prevailed was not supplied by the industrious merchant from a plentiful Country[25]

In other words, God created a natural condition in which men want to trade, something King gleaned from Smith. Government has only gotten in the way of this natural state of affairs and should step aside and allow tireless traders to work in God's system. States ensconced in the present system of regulation, though, must be forced by reasonable arguments to eventually leave it.

In King's mind the hierarchy started with God, who created the arrangement, descended to enlightened elites like himself, then to merchants who managed the day-to-day workings of the system and promoted morality, and, finally, to sailors who provided the hard labor. Merchants were the essential intermediaries in the system, and they gathered the strength America needed, King said. In a commonplace book kept after the War of 1812, King wrote, [i]n vain are the wisest Laws made encouraging Manufactures, and the Cultivation of the Land, if there are not Merchants to export the overplus of y^{e}. Goods."[26]

King thought merchants, while important advocates of civilization through their exchanges, could not lead the nation in the same way as enlightened figures like himself. Their work was important, but it took an additional layer of expertise to take advantage of the space for civilization created by trade. A vertical line in the margin of King's copy of James Boswell's *The Journal of a Tour of the Hebrides*, demonstrates his idea that merchants do not have the same level of gentility and skill to lead the nation, despite creating the basis for the rule of betters. Boswell recorded that Samuel Johnson said

> I would never have any man sell land, to throw money into the funds, as is often done, or to try any other species of trade. Depend upon it, this rage of trade will destroy itself. You and I shall not see it; but the time will come when there will be an end of it. Trade is like gaming. If a whole company are gamsters, play must cease; for there is nothing to be won. When all nations are traders, there is nothing to be gained by trade, and it will stop first where it is brought to the greatest perfection. Then the proprietors of land only will be the great men.[27]

The educated gentry were required to pull the strings of government in an immense system of trade, which was beyond the ability of merchants in King's mind.

If merchants were beneath the educated gentry in King's political economy, the sailors who performed most of the labor to make this system work were lower in the hierarchy. In scrap notes he kept in 1809 after reading a speech DeWitt Clinton gave as a state senator in praise of common tars, King mocked

> 'The kneeling friendless sailor' – 'The Prayers and Supplications of kneeling sailors' – If Epithets and Description were ever misapplied they are so here - all who are acquainted with the Character and habits of seamen, know that they have nothing of the humble, broken, and begging spirit here ascribed to them.[28]

King respected sailors, but their habits kept them from producing the wealth and capital necessary to civilize the world. They were courageous, King said, but it was not bravery that built networks and justice, it was wealth.[29]

King found an argument in favor of wealth later in the Dundas pamphlet, at a point where Dundas argued against opening up the East Indies trade to competition. He stated that trade rivalries in the East Indies would produce upheaval, which would impair trade. In the margin, King noted that British traders had overwhelmed local Indian merchants when they arrived on the subcontinent and created a monopoly for themselves. King said this monopoly would ultimately limit imports of Indian goods to Britain, and, "America will become Carriers of Asia for the Europe Market, & will render the West India Islands losing possession to Great Britain."[30] King undermined Dundas' entire premise by looking at future trends and correctly predicting that economic dynamism would shift to Asia. King argued that the British were blind to their own future demise by so doggedly protecting their trade when it was an impossible stance to defend in the modern world.

Free trade was also an essential part of King's arguments in the Camillus essays of 1795-1796. King's primary argument in the articles he authored was that Britain was acting in rational ways to protect its most important interests through trade regulations, but their naval power made any challenge irresponsible. Despite this situation, King continued, America was in a good position to challenge Britain in the future. King knew Britain would not enter a system of free trade while it was fighting in the French Revolutionary Wars, but it was a goal for a more stable time. He ended his contributions to the Camillus essays by noting, "[i]t is a sound commercial principle, that the interest of buyers, as well as sellers, is best promoted by a free competition."[31]

It was an objective he would continue to strive for in London as the American minister, but one that he would not try to implement until after 1815.

His vision of America as a commercial empire promoting peace, prosperity, and improvement is demonstrated through a note he left in the front endpapers of the first volume of Dominique-Albert Azuni's *Systême universel de principes du droit maritime de l'Europe*, a book he first read around 1800-1801 and referenced at least one more time after 1803.[32] It is a strong example of the immense ideological weight that can be unpacked from short marginalia passages. In this space, under the headline "of Marseilles," King wrote "Ut omnes ejus instituta laudari facilius Possent, quam Aemulari" or "by its wise and prudent institutions, more easily admired than imitated."[33] On page 251 of the volume, Azuni quoted this line from Cicero's oration *Pro Flacco*. When read in context, it is clear that King was both comparing the American nation to Cicero's description of Marseilles and looking to Marseilles as a model to emulate.

Cicero's *Pro Flacco* was a trial speech given in defense of Lucius Valerius Flaccus, a governor of Asia who was charged with extorting the Jews of the province in 63 B.C.E., during Cicero's consulship. Cicero trained the full power of his rhetoric against the Greeks who brought the accusations, condemning them for moral inconstancy. In the oration, Cicero noted there were exceptions to the chaotic and dishonest polities of Greece, one of which was Marseilles, where Flaccus had served as quaestor. In this passage, Cicero says Marseilles deserves to be mentioned for

> the strict discipline and wisdom of which I do not know whether I might not say was superior, not only to that of Greece, but to that of any nation whatever; a city which, though so far separated from the districts of all the Greeks, and from their fashions and language, and though placed in the extremity of the world and surrounded by tribes of Gauls, and washed with the waves of barbarism, is so regulated and governed by the counsels of its chief men, that there

> is no nation which does not find it easier to praise its institutions than to imitate them.[34]

It should be remembered that King read classical passages for answers to contemporary political issues, and here he compared America to Marseilles, which was a remote, surrounded, yet well-governed city.[35] From his classical reading it is possible to sense both the fear caused by American isolation and its weakness in the community of nations, but also the opportunity it provided to create strong institutions in support of liberty.

Furthermore, when looking at what Azuni wrote when he quoted Cicero, it becomes clear that King was not only thinking of America in a general sense, but of an America as a strong commercial republic ruled by responsible Federalist leaders. Azuni described Marseilles as "an aristocratic republic" that inherited the strong navigation tradition of the ancient Phoenicians who founded the city. This original legacy

> powerfully contributed to strengthen the natural propensity of its inhabitants to maritime commerce, the great object of their policy. By its wise and prudent institutions, according to Cicero, more easily admired than imitated, players, and all those who under the cloak of religion lived in voluptuousness, were banished from the city. A celebrated academy, where the youth were instructed in every kind of learning, contributed to raise the sciences and fine arts, in Marseilles, to the highest degree of perfection. It deserved, therefore, the appellation given it by Cicero, of the Athens of Gaul, *Galliarum Athena;* and the name bestowed by Pliny, the mistress of liberal studies, *Magistra Studiorum,* The Roman youth, according to Strabo, went to form their minds in its schools; and many cities of Italy were eager to entrust the charge of public instruction to the learned citizens of Marseilles. Cicero could not refrain from expressing an opinion, that the excellent discipline established in that city, was superior, not only to that of Greece, but to that of every other nation.[36]

This strong social foundation was built on a fair system of navigation laws, "sufficient to preserve and cherish that love of equity, and that ardent commercial spirit, which render that city the richest port in the Mediterranean."[37] King saw an example of a citizenry enlivened by trade

that built a strong government premised on virtue, one of his life-long political goals, and when he was reading this passage, it is clear America's future came to his mind.

King felt the first time he could really advocate measures for free trade came after news of the Treaty of Ghent reached America. But King observed that it was common sense to "perceive that repeated Struggles are to be made upon the Ocean before the undisputed Trident reposes in our Possession." King anticipated that Britain would see America as its greatest rival and that governments in London would act accordingly. America needed to understand this condition and allow it to have, "its proper influence in all our public, and especially in all our maritime and commercial Measures – we are in Peace, and sh^{d}. observe its Duties – but our System sh^{d}. have constant Reference to the future, and all sh^{d}. combine heads, & hearts & Purses, to lay down a wise plan of national Policy never to be departed from, & always to be promoted as times & Circumstances may permit." King's plan of political economy was his response to the national problem of British restriction.[38]

Reading on the Fisheries in 1814-1815

King's reading demonstrated his belief that the ocean was an open space for all to profit as they could without impinging on the rights of others. This meant the nation's fishing rights and the skills fishermen gained during the course of their work were resources in need of protection. In particular, the skills of American seamen were central to King's political economy. The sailor performed the labor of commerce and manned naval vessels in times of conflict, and if they could not practice their trade, America would not have the competent manpower it needed to keep its economy functioning.

King's reading after British demands at the peace talks in Ghent were made public in late 1814 demonstrates his concern for America's place on the high seas and the protection of

fisheries and fishermen. British negotiators argued that the Treaty of Paris of 1783 only granted rights to the Americans, most importantly, access to the fisheries at the Grand Banks off Newfoundland. With war, the granted rights of the Treaty of Paris were abrogated and the British claimed they had to be renegotiated. In return for continued rights to the Grand Banks, the British wanted greater commercial access to the Mississippi River. American diplomats rejected these demands and claimed the Treaty of Paris was an acknowledgement of perpetual rights. Ultimately, the fisheries issue was left open for further negotiation and the Americans eventually received acknowledgement of perpetual rights to fish at the Grand Banks in the Treaty of 1818. But the threat to American fishing rights sent King to his books.

King's primary argument against denying Americans fishermen access to the Grand Banks was the natural freedom of the ocean. Citing Samuel Pufendorf, King noted under the heading "Ocean," that no ruler could claim the "Title of Master of the Ocean." While men can appropriate property in the state of nature, God never, "intended to authorise the acquisition, in this way, of a thing, which being acquired by one, would against all Reason reduce all others to subjection or Slavery." King concurred with Pufendorf that it would be pure avarice to extend control of something, "merely to hinder others from enjoying the Gifts of Nature." Beyond this philosophical argument, Pufendorf wrote that labor is required to create property, and since winds can propel every ship in the world as well as a single ship, and that a vessel did not alter the route it traveled on the water, no labor can be said to have altered it. This meant peaceable navigation could not be denied to anyone and no power could prevent another from using it as a means to trade.[39]

King's notes also include an offering from Thomas Rutherforth, who argued that a nation must be able to occupy something to possess it and "such things" as the ocean, "do not admit of

occupancy, [and] do not admit of Property."[40] Hugo Grotius denied that a nation could make property of the ocean, but said a nation could claim jurisdiction over certain regions of the high seas. King disagreed with the Dutch jurist and in a "☞ comment" after Grotius' claim, noted that, "[t]he use of the open Sea for navigation and Fishing is innocent and inexhaustible – and will suffice for all the world – The Reason for several property does not therefore here apply." Since ocean is a common property, "[t]his Right of Navigation and fishing, being a Right of mere ability (jura meræ facultatis) is irrepressible – and cannot be lost for want of use."[41]

Considering the problem in full, King drew attention to the argument of Vattel, who said coastal fisheries could be considered the property of a nation. But even that right is limited, because "[i]f other Nations have however resorted to, and taken Fish there, they can be no longer excluded – the Fishery is left in its primitive freedom – so the Herring fishery is situated upon the Coast of England." Also, a nation can declare sovereignty over their coastal waters in times of war, but the precise measurements were never declared.[42]

Following Vattel's reasoning, King turned to Sir Philip Meadows, who, King noted, "in 1689 published Observations concerning Dominion and Sovereignty of the Seas," to help him understand the question of coastal dominion. King's notes specify that chapter four of Meadows' work examines the question of sovereignty of the seas and looks at the issue of a "Question of Fact, distinguished from Right – Right is antecedent to the Acknowledgement of it by another." In order to declare dominion over any sea, Meadows says a nation must be able to exclude the passage of ships of war and declare an exclusive marine jurisdiction to appropriate an exclusive fishery. King noted that this proved Britain could not declare jurisdiction over the Grand Banks because, "England has never forbid any for. Pr. [foreign power] or State to pass the Seas of England – None have asked her leave." King identified a variety of examples from Adam

Anderson's *An Historical and Chronological Deduction of the Origin of Commerce* to prove the point. The British could have jurisdiction over "quarrels, and violence, such as Mayhem and Death, Treason, Robbery, &c. done or committed on the high Seas," but not fishing resources.[43]

Even the famous arguments of John Selden's *Mare Clausum* could not convince King. King's notes show he thought Selden's claims of jurisdiction were untrustworthy, because, "as matter of Fact all the ant. [antecedent] Treaties between Eng. and the Dukes of Brittany & Burgundy, their most pow[er]ful neighbours are of the same Tenure, and mutually covenant that their respective Subjects sh[d]. freely, and without asking Passports or Licenses, fish every where upon the Seas." King went on to show that seventeenth century English treaties with the Spanish and the Dutch did not include a right to exclusive fisheries. King read widely and deeply to find a preponderance of evidence to defend what he thought was a central tenant in his political economy, the right to fish in the open ocean and the improvement of civilian seamanship in order for the state to be able to man a powerful navy to defend any infringement of those rights. [44]

When King heard about the British demands he also turned to the works of Sir William Monson, John Knox, Pieter Willem baron de Liedel de Well, and Gilbert Burnet. From their books, King extracted historical references to sixteenth and seventeenth century controversies over fisheries to formulate a defense of American fishing rights in 1815. King used Gilbert to explain the British version of events

> The English have always pretended that the first Discovery of N.F.L. [Newfoundland] being made in Henry 7[th]. time, the Right of it was in the Crown of England. the French had leave given them in King Ch[s]. 1[st] Time, to fish there paying tribute as an acknowledgement of that licence [sic] : it is true they carried this much further during the civil wars; and this grew to a much greater height in the Reign of Ch[s]. 2[d]. but in King Williams Time, an act of Parliament past, asserting the Right of y[e]. Crown <u>to N.F.L</u>. laying open <u>the Trade</u> there to all Br. Subj. with a constant and positive exclusions of all claims of foreigners[45]

In 1814-1815, the British were asserting something similar, saying they had let the Americans fish off Newfoundland, but could revoke that right after the Treaty of Paris was broken. King offered a number of examples from English history to show that the British position was contradictory.

Extracting material from John Knox's *A View of the British Empire*, King recorded material about Queen Elizabeth's conflict with the Danish who in 1602 claimed the exclusive right to fish in the seas between Denmark and Iceland, including the coasts of Scotland, Ireland, and the Faroe Islands. The queen rejected this reasoning and told the Danish king

> it is very unreasonable Sensibility to look for such a Power over another Monarch – in a Sea of such Dimensions as is between his Countries and Iceland – when it is well known that none of our Ships do ever come within sight of Land. [The case on the Grand Bank of Newfoundland] We, adds the Queen may as well impose the like Toll upon all Ships of this Country, that pass thro[h] any of our Channels or about our Kingdom.

King saw a clear parallel to the English position of the early seventeenth century and the American stance in the early nineteenth century. Elizabeth's spirited response was a model to King. Knox noted that, [t]he King of Denmark in reply quoted old Treaties between England and Denmark, but which the Queen would not allow to be of <u>any Force in her days</u>."[46]

Similarly, King noted that the English claimed the right to the whale fishery off Greenland under the doctrine of first discovery in the early sixteenth century. The Dutch appeared in the same waters in 1612 and, "the contest became high, and sundry bickerings ensued between the ships of both Nations." King recorded that the Dutch sent a delegation to King James to complain and, "the King decided nothing in point of <u>Right</u>, but giving no encouragement to the Eng. to disturb the Dutch, it remained a matter undetermined, and both Parties as before continued the Fishery." King summed up the meaning of the event by noting

"☞ The inference is that King James abandoned the exclusive Claim of the Eng. to the Greenland Fisheries."[47]

But these fisheries on the eastern side of the Atlantic became less important when abundant stocks off Newfoundland were discovered. Using the same rights of first discovery, based on the voyages of Sebastian Cabot, the English attempted to assert their exclusive control over this resource. From his reading of Knox, King recorded that

> England long contended to engross the whole of these fisheries, to which France, never would submit; as it must have rendered that Kingdom dependent upon England, not only for home supplies of Fish, but also for the support of her west Ind. Colonies – The American Colonies were permitted the full Enjoyment of the Fishery, with Permission to supply Europe & the west Indies: but subject to certain Duties upon importation in England.[48]

King's response to this comment shows he thought of America as the latest custodian of the natural rights to the sea and fisheries. While the French fought English domination of the Grand Banks in the seventeenth and early eighteenth centuries, the French later tried to block American access to the same fisheries while the Treaty of Paris was being negotiated. The Americans successfully defended their right to the fisheries just like the Dutch, English, and French had done in the past and by having that access noted in the 1783 treaty, King proclaimed, "the Right of the US in the Fisheries is incontestable."[49]

Why were these rights so important to King? The answer can be found in his belief that all futures challenges to the American republic would mostly likely come from the sea. King argued that in times of war well-trained sailors were required to man ships and the only place those men could receive training was through the merchant marine and the fisheries. Despite his misgivings about the virtue of the common sailor, King said they needed to be prepared to practice their craft in order to man a navy in case of conflict. If a future belligerents obstructed

sea-lanes, denied access to fisheries, or closed ports, American sailors would have fewer opportunities to improve their abilities. King based his certainty in part on reading, and "on this head the Memoirs of de well [Pieter Willem baron de Liedel de Well] may be consulted: He ascribes to the Dutch Fishery, not on acc^{t}. of its Profits, but because it was the Soul of their Marine, all their Resources to free themselves from the Dominion of Spain, to conquer the Indies, to form their Commerce, and to acquire the Consideration wh[ich] they enjoyed in Europe."[50]

King found further support for this reasoning in the work of Sir William Monson, who, King noted, "was a naval Commander in the Service of Queen Elizabeth – and his naval Tracts often cited as high Authority." King took detailed notes from Monson, whose text King used in conjunction with the *Memoir* of Baron de Liedel de Well. King's notes include a reference to Monson's approval of the twice-yearly voyages the French made to the Grand Banks, "and this I hold to be one of their best means to maintain their mariners in France." King understood that sailors needed consistent work to sharpen their aptitude, which was a foundational aspect of national security. The services of sailors and fishermen needed to be preserved in order to build a fully manned navy when needed. Only in this way could the Americans follow the example of the Dutch and the French and be successful in the community of nations. King's disagreement with the British stance over fishing rights in 1814-1815 was neither a simple diplomatic matter, nor just a concern over the profits of a special interest group; it involved the fundamental nature of his political economy and his vision of America as a future great power.

Reading and the Navigation Act of 1818

After ratification of the Treaty of Ghent in February 1815, a new trade treaty between the former enemies needed to be negotiated. Congress' first move was to pass the Reciprocity Act of March 1815. This law eliminated tonnage and shipping duties on foreign ships coming to the

United States if the foreign nation in question also passed a reciprocating measure eliminating duties. In July 1815, the American ministers signed such a reciprocating measure with the British. King felt this was a misguided agreement as it only provided for reciprocation in the *direct* trade between the nations, but did not provide access to the more lucrative *indirect* trade with the West Indies. In addition, the treaty closed off the St. Lawrence River to American ships. The agreement also avoided the contentious issues of impressment, contraband goods, and blockades. King mocked the treaty, which was signed in December 1815, "as scarcely worth the wax of its Seals."[51]

John Quincy Adams, serving as the American minister in London, made several efforts to improve trade relations with Britain, but foreign minister Lord Castleraegh rejected all compromises. Angered by this snub, public pressure led the foreign relations committee of the House of Representative to introduce a bill that almost copied Britain's Navigation Acts in late 1816. It eventually passed, but various loopholes made it ineffective. The shipping interest wanted stronger regulations, and leaders organized meetings in January 1817 in New York, Hartford, and Portsmouth. The Senate took heed and began to move legislation through the committee process, but the nation's commercial representatives, fearing loss of their revenue, had doubts and asked for a weaker piece of legislation.

King thought it was not "expedient" to pass the bill as it was originally written. The Senate moderated it and the measure, known as the Navigation Act of 1817, became law in March. The legislation only restricted the import of West Indies goods to American ships or merchants of the West Indies. It did not forbid exports of American goods in British ships, which weakened its impact. Despite this, it was the beginning of American retaliation against the British mercantile system. The British barely noticed, made a few minor concessions, and

talks between the two nations floundered. Upon hearing this news, the Senate called for another Navigation Act, which revived the 1817 legislation before it was weakened. King and James Barbour, Senator from Virginia, introduced the bill, which received almost unanimous backing in the Senate. The House withdrew a more moderate bill it was considering and James Monroe reluctantly signed the King-backed Senate bill in April 1818, worrying that the law would only annoy Britain without producing worthwhile returns.

King's political activities in 1818 were based on his reading of Adam Smith, David Hume, and David Ricardo. Having first read Smith's *The Wealth of Nations* in 1785, King read an epitomized summary of the Scottish philosopher and economist during the post-war reciprocity debates. King recorded material from the long introduction of John Gillies, a well-respected Scottish classicist and historian, to his translation of *Aristotle's Ethics and Politics* in his commonplace book. Gillies made detailed comments on Smith and Hume in his introduction. Using a pointing fist for emphasis, King copied, "'Public wealth & Prosperity (says M^{r} Hume) is the end of all our wishes' D^{r}. Smith agrees with Hume, & both maintain that public wealth & Prosperity, are only to be promoted by encouraging, with equal <u>impartiality</u> all kinds of lawful Industrys."[52]

King wrote a short quasi-essay in his commonplace book that was built on the ideas of Hume and Smith, although neither was directly cited. Under the heading "Protecting Duties," he wrote ten paragraphs, which seem to be connected, but which could easily be considered separately, to refute the advantages of such regulations. In the first paragraph, King said it was a general principle that no legislation should interfere with "the productive Labour of Man." If each nation were left to itself, the skills and resources of each locale would naturally advance to

their most productive degree. But when one nation departs from this plan, King noted that every other nation follows, "and doubts exist if any one, unless all do, can pursue it."[53]

King went on to say that every protective duty, "robs that which is unprotected, and discourages it." He pointed to the British Corn Laws, first passed in 1815, as encouraging agriculture at the expense of labor and manufacturing. Using a manicule for emphasis, King noted that, "☞ [i]t seems to be a Rule of strict Justice, that the Legislature may not relieve one class of Citizens at the Expence of another class." In the name of fairness it is best to avoid interfering, King argued.[54]

But there were some protectionists who claimed that the best solution was to simply extend duties to all branches of the economy. But King says bad laws should not be compounded by inferior legislation, and, "[i]f uniformity in the Laws be called for, let it be found by making all the Laws Right, not in making them all wrong." On the whole, King pointed out that regulating social institutions like trade, "cannot be done, because it is inconsistent with the Condition of Society." The more laws passed, the "more probable that Every Legislative Protection of any Branch of Commerce has operated to the Diminution of national Wealth."[55]

King pointed out that nations could not become independent by excluding foreign sources of supplies. Since the foreign party required something in return from the original nation, each was dependent on the other. For an example, King noted, "England is as much dependent upon the Country that supplies raw cotton, as the country consuming English Manufactures is dependent on her." The only way the natural equilibrium of nations could be reached was by having governments abstain from interference in the market. This natural equilibrium would not

just lead to profits for merchants, but also "the desire of Peace." The greater the legislative intervention, "the weaker are the Restraints against wars."[56]

Eschewing the mercantilism of Sir James Steuart and Charles Ganilh, King noted that, "wealth is created by the Profit arising out of the Exchange of those Articles, which one country can produce cheaper than another, and not by the excess of Exports over Imports." This meant that nations that are "active, industrious, and abounding in Resource," by which King meant America, would able to produce goods more cheaply and gain a profit in the exchange. America's highly productive agricultural sector and efficient merchant marine meant restraints had to be removed and, "the Market of every Nation [should] be laid open."[57]

While King believed the impartiality of trade was the best system for American improvement, he also understood that it would take much effort and time to make that a reality. The slow move toward free trade did not surprise King, who had a deep historical knowledge of the navigational laws and colonial history of England and later Britain.[58] In the same commonplace book, King quoted the free trade economist David Ricardo's *Proposals of an Economical and Secure Currency*, that "[The reasoning by which the liberty of trade is supported is so powerful, that it is daily obtaining converts.] It is with Pleasure perceived that the Principles of free Trade are adopted by the merch^{ts}. of London – it is unsurprising that the Principles of A. Smith sh^{d}. have taken so much Time in their Progress – The Restrictive System, has produced vested interests and the abolition thereof suddenly w^{d}. be unjust, let the change be gradual but Certain."[59] King understood the fight for reciprocity had already been in progress for decades and might take much longer to attain, but after 1815, King felt the Atlantic world was stable enough to begin making efforts toward that goal. That effort culminated in the Navigation Act of 1818.

After successfully ushering the new navigation law through the Senate, King made the seemingly outlandish claim that the legislation "in principle is incomparably the most important law ever passed on this or perhaps on any subject."[60] The legislation, which was a step to create trade reciprocity by closing America ports to British ships that came from ports closed to American ships, was important when it passed, but historians have not written about the act with the same excited energy as King.[61] Despite this incongruence, King's comment deserves to be taken seriously as it provides the key to understanding his political economy.

Implied in King's analysis of the law is an enthusiastic belief in the prospects of America's future strength and prosperity. Proclaiming the Old World's mercantile system of colonial trade was dead in a commonplace entry headed "Europe," King noted, "[t]he option of y^{r}. [their] own, or a better System no longer in y^{r}. Power, the Question of Expediency has ceased: they must obey Necessity."[62] King extracted this from Gillies' introduction to *Aristotle's Ethics and Politics*, at a point in the text that argued armies could rely on the agriculture of a nation when first formed, but would eventually require supplies that could only be furnished by commerce and manufacturing. In this commonplace book entry, King agreed with Gillies and argued that the European mercantile system was doomed and that necessity would force the creation of a system of free trade, which America would eventually dominate.

King's published his ideas in *The Speech of the Hon. Rufus King on the American Navigation Act Delivered in the Senate of the United States at the Last Session of Congress*.[63] The pamphlet was a slightly revised version of the speech of April 3, 1818.[64] Published in New York on June 27, 1818, it was the longest and most formal declaration he made on free trade issues and one of only three pamphlets King wrote in his lifetime.[65] The political economy King described in his speech was the culmination of over thirty years of reading texts on the subject.[66]

The speech follows the teachings of Hume and Smith, who famously argued that commercial interactions created networks of justice and liberty that motivated nations to work together for global virtue. In Latin, virtue has the dual sense of strength and moral power, and the Scots rejected the violent, classical sense of the former in favor of the latter that was more conducive to the amiable ends of human happiness and improvement. Virtue in this instance was a vigilant commitment to a peaceful public life through the advancement of private interests.[67]

King began his 1818 speech in favor of the Navigation Act with Smith and Hume in mind by noting the country had three sources of wealth – agriculture, manufacturing, and commerce. King's commonplace notes on Smith and Hume proclaim that farmers are the least disposed to disturb the government

> ☞ But Taxes to a great amount, can not be raised, except in Continual flourishing <u>in Resources</u> wh Agriculture & Pasturage alone, were never yet able to afford[.] Recovery wh can only be obtained by war & Plunder on the one hand, or acquired on the other, by the Powers of national Industry – assisted & multiplied by machinery, and the endless subdivision of Labour, each performing his Part dexterously & quickly, while the Diligence of all is perpetually stimulated by the Gain, afforded from the Fund of enlightened Commerce, as extensive as the world, and enterprizing as the great adventurers who discovered & explored remote Regions.[68]

Such reading demonstrated to King that agriculture and manufacturing were important, but that overseas trade was necessary to pay for government, which required a strong defense in his vision of political economy. King had confidence in the American agricultural sector, believed manufacturing was improving, "[b]ut, without shipping and seamen, the surplus of agriculture and of manufactures would depreciate on our hands."[69] The importance of shipping to a great power like Britain led them to support monopolizing measures to acquire unfair advantages. King argued "the true theory of international commerce is one of equality, and of reciprocal

benefits: this theory gives to enterprise, to skill and to capital, their just and natural advantages; any other scheme is artificial; and so far as it aims at advantages over those who adhere to the open system, it aims at profit at the expense of national justice."[70] Anything but an open system would lead to "dissatisfaction, insecurity and war," King stated.[71]

After his general discussion of the importance of free trade, King turned to history to argue that an open system of trade was natural. He noted that the English of the seventeenth century were correct to attack the Dutch dominance of shipping. Passing the Navigation Acts to undercut the Dutch was good policy, King said, but the English should have revoked them after defeating their rivals. Instead they set up a monopoly of trade larger than any that existed before and it was this massive colonial system that was detrimental to "equal rights of other states."[72]

It is clear that throughout his life King identified America with England in the seventeenth century Anglo-Dutch rivalry. In the Dundas pamphlet cited above, King made a parallel between the seventeenth century English and late-eighteenth century America. King focused on a section that noted how England, "[p]ossessed of more national ardour and equally persevering with the Dutch, emerging too from civil and religious thralldom, it determined to participate with the Portuguese and the Dutch commercial adventurers in the profits of the trade in the East-Indies."[73] King saw America as a new incarnation of England after their civil war. It was America's turn to challenge the primary powers of the world after emerging from its Revolutionary War in the 1780s. America of the late eighteenth and early nineteenth centuries was like England of the 1660s. King wanted America to fulfill the potential of the seventeenth century English tradition of free trade, which was the primary purpose of his 1818 speech in favor of the Navigation Act.

King claimed he sponsored the bill because of the massive growth of England's worldwide reach and dominance of the sea-lanes. King seems to have culled from newspaper accounts of recent debates in the House Lords that in 1791 the British government had 17,000 employees abroad while in 1816 it rose to 41,000. Sixteen new colonies had been acquired by Britain since 1791, bringing her total number of dependencies to forty-three. King noted that recent debates in the House of Commons admitted to the extraordinary nature of the acquisitions since the beginning of the French Revolution. Britain now had the keys to every great military station in the world, King said.[74]

In contrast, King argued that the American system of free trade was a much fairer and far more sustainable state of affairs. While King did not mind the acquisition of colonies as long as a system of free trade was in place, he went on to tout claims of American superiority. In America, "our commercial system is an open one—our ports and commerce are free to all.—we neither possess, nor desire to posses, colonies."[75] The policy of opening up colonial trade, especially in the West Indies, when it best suited British interests exasperated King. Instead, King argued that, "[w]hen an intercourse and trade are once opened between colonies and a foreign country, the foreign country becomes a party, and thereby has a reciprocal claim to employ its own vessels and seamen equally in the intercourse and trade with such colonies."[76]

King was by nature a cautious man, but he argued that now was the time to act against Britain. They would be less likely to initiate another war after the Napoleonic Wars and America needed leverage to renegotiate the trade treaty of December 1815, which was set to expire in June 1819. Plus, the potential of the American navy was apparent after the War of 1812. Under these circumstances, King argued it was time for the government "to promote the general welfare." He went on to say that the government "ought not to omit the interposition of

their corrective authority, whenever an important public interest is invaded, or the national reputation affected."[77]

King believed the common good would be encouraged by the improvement of American naval forces. Republicans challenged King for promoting the same restrictive policies Madison promoted in the 1790s.[78] He refuted their logic arguing, "the Regulation or Restriction, is politic or otherwise in reference to the end wh. is aimed at – the same power is well or ill excused, according to the Ends, that are aimed at by the Regulation – my object is y^{e} Establishment of a navy – this was not the purpose of the former Restrictions."[79] Free trade and naval power were linked in his political economy.

Reading in Support of the Navy

King's advocacy of naval power can be found in the favored flyleaf section of his commonplace book, where King made reference to his reading of Adam Anderson's third volume of *An Historical and Chronological Deduction of the Origin of Commerce*. King preserved comments on the display of respect the Dutch and English gave each other by striking their flag and lowering their topsail.[80] The Dutch and English made such displays of national respect mandatory by treaty in the mid-seventeenth century, but Anderson noted the Dutch were also willing to give the same respect to French ships. The Dutch cared about trade and were willing to look past these small spectacles of honor when Louis XIII also wanted them included in a formal treaty.

In his commonplace book, King recorded "Sylla fecit, non ipse faciam? Cæsar. said the French when they required the Dutch to yield to them the same Salute at fra[nce] as they performed to England – Florent quoque Lilia Ponto, said Richelieu."[81] Anderson misquoted Cicero in this extract; it was really Pompey who stated "Sulla did it; shall I not myself do it?"[82]

Nevertheless, it does not change the meaning of the passage Anderson wrote, which notes Louis XIII demanded the same signs of respect the Dutch gave to his predecessors Henry II and Henry III. King wanted similar respect to be given to American shipping after the naval successes of the War of 1812 and part of the goal of the Navigation Act of 1818 was to garner that respect.

The last part of the passage relates to the massive build up of the French Navy, overseen by Cardinal Richelieu in the early seventeenth century. Richelieu improved the navy by recruiting enthusiastic nobles who wanted to go to sea. Two of these energetic officers were assigned to each new ship built by Richelieu's government and they soon began to win victories over the Spanish Navy. Elated with the newfound French naval might, Richelieu had the motto "Florent quoque Lilia Ponto," or "Even on the Main, our Gallic lilies triumph" placed on the stern of the largest ship in the fleet.[83]

In light of the search for national respect that King sought in the post-Napoleonic age when he recorded these comments, it seems that he was thinking about America's place on the high seas at the time. If any nation can demand respect from any other through the public law of treaties, America should be doing the same. But King also knew that respect only redounded to a nation through its ability to demand it with military might. In this vein, King saw Richelieu as a model to emulate, someone who could build a navy from scratch and win victories over the strongest adversary in the world. In King's mind that is what America needed to copy in its competition with Britain.

Later in the same commonplace book, King recorded further comments from Anderson's book. While it has no heading, King recorded "The Story that Queen Elizabeth forbad Henry 4 of France to increase his navy is a Fable – She might have asked an Explanation of his arming & and have insinuated that without Explanation she sh^{d}. also arm."[84] In light of his desire to

increase American naval power and his search for historical parallels to America's contemporary situations, it is possible that King saw America in the situation of Henry IV's France. He wanted to buttress American sea power without the interference of British might. Through his reading we can see King as someone who supported American nationalism and rejected Anglophilia whenever it stood in the way of his nation's goals. We must understand King as someone who is much more independent and question the usual pro-French or pro-British political labels historians give early American political parties.

King placed this need for a strong navy at the core of his vision long before 1818. While Minister to London in 1799, King wrote to his friend, the New York lawyer Robert Troup, that he thought it was odd that New York merchants would be surprised by the English confiscation of American ships. "We suffer what the Danes[,] Swedes[,] and other Powers have been suffering in every war of the present Century," King said, and

> The Remedy must proceed from what is the only security of property between Nations; the Power to protect it – if we entertain other Speculation on this Subject we are our own Dupes, and the Experience of past Times is lost upon us! if we chuse to be a commercial nation, which we have a right to be, we must reckon upon the cost [of] the Enterprize, which we must pay in the shape of Plunder, or in the building and support of a navy. I cannot doubt which will be our Choice.[85]

Despite what King saw as America's weak stance during his ministry abroad, he knew America's potential was immense. At certain points he made extraordinary efforts to reach lofty goals, especially toward the end of his diplomatic tour.

In 1802 with the commercial articles of the Jay Treaty set to expire because of the peace between Britain and France, King called on the Foreign Minister, Lord Hawkesbury, to discuss American trade with the British West Indies. During this conversation, King claimed that America had a *right* to this trade, something that was completely new. George Washington and

Alexander Hamilton had only said America had a *privilege* to trade there.[86] This strong stance foreshadowed his arguments of the post-War of 1812 period.

A little under ten years later, after the Madison Administration passed the Non-Intercourse Act, King wrote an unpublished essay expressing outrage that agriculture was discouraged, fisheries abandoned, and commerce cut off in the name of ideological purity. This led to a drop in government revenue and promoted internal divisions, but it also meant "Our Navy [was] sold, dismantled, or degraded to the service of Cutters & Gun Boats … at the moment when it is unnecessarily and improvidently exposed to a War with Eng. Fr. & Sp." King went on to say that President Adams' strong response to the French depredations during the Quasi-War of 1798 was key to returning to a state of peace and respect. Only by engagement and a strong defense could America protect its interests.[87]

King continued this line of reasoning in undated speech-notes, probably from 1814, when he criticized the government's handling of the War of 1812. In these notes King said the conquest of Canada and the defense of the porous frontier should be abandoned in order to "cast your whole strength upon the ocean: here, if anywhere you will make your power felt. With twenty-five Ships of the line, a general blockade of your coast could not be made; with a hundred frigates and sloops of war you might materially affect the commerce of your enemy and afford great protection to your own navigation. This is the natural bias of your people; it will be to advance the high destiny of your country, destined to become the first maritime power."[88]

In King's 1818 pamphlet, he built on this notion saying that the nation should cherish its resources and build up establishments that provide "safety," like the navy. The nation was safe by land and that a navy would be a cheap, sure, and efficient defense. It would also avoid the dangers of a standing army, which undermined virtue through its endless expenses. But a navy

cannot be efficient without a strong commercial marine. Money can build ships, King argued, but only seamen could navigate the ocean, and it is for this reason why the exclusion from the English colonies had to be overcome.[89]

After the publication of his pamphlet, King sent a copy to former President John Adams and wrote that "[i]t is by dominion on the ocean that not only national safety, but national glory are to be attained, & it is by this power chiefly that the Eastern States will be enabled to retain that influence & authority in the national councils, which with so much public advantage they have formerly possessed." To back this sectional nationalism, King fell back on his reading of Cicero to explain how important the moment was by stating, "whoever are masters of the sea, must be consequently masters of the world."[90]

A short section in King's commonplace book follows up on this classical allusion and the power of the control of the oceans. King wrote, "[i]f a superiority at Sea does not lead to universal Dominion as among the Greeks & Romans, it procures at least great Riches, and enables a nation to carry on its Trade with equal, or greater success in war than in Peace."[91] In King's mind the real benefits came from peace and working with other nations. He noted "A nation owning large Fleets is a neighbour to all other Nations – and can at Pleasure make itself feared, loved, & respected; and their alliance being preferable to that of a Nation more powerful on Land, they will act a more considerable Part in the Affairs of the World." This was the central tenant of his thinking in his 1818 pamphlet. The push for free trade can only succeed with a strong naval force to demand respect on the world stage.[92]

Conclusion

In 1820 King managed legislative efforts to close the loopholes of the 1818 Navigation Act, which allowed Americans to indirectly trade at Bermuda, New Brunswick, and Nova

Scotia.[93] After this was passed, evidence exists that King scanned the newspapers looking for comments that might show a shifting tide in Britain. King noted that Lord Grenville, who he knew well from his ministry in 1796-1803, said in April 1820, "☞ a greater Reciprocity in for[eign] Trade desirable."[94] Around the same time, King also noted under the heading "Shipping Interest" that "Baring stated in Parliament – That they claim too much in the Timber Trade – that they concurred in the Petitions for free Trade. were desirous of seeing alterations in y[e] Navigation Law, so as to allow cargoes to be imported tho[h] not all of the Growth of the Exporting Country – w[d]. consent that for[eign] S[hi]ps import in to Eng. all articles except India & colonial Goods."[95] King also probably felt the situation was thawing when he noted a newspaper of "July 1820 – The Report of the Lords Com[te]. to whom sundry Petitions, against commercial Restrictions were referred – proposed to equalize the Duties on Timber whether imported from Canada or the Baltic."[96] No doubt, King felt the navigation policy altered British views.

These newspaper reports certainly helped King continue to pursue his policy of restriction in 1822, when he responded to two petitions asking for a repeal of the restrictions against trade with Britain, one from Baltimore and the other from South Carolina. King repeated many of his arguments in 1818, cited the importance of navigation in both commerce and war, and noted differences, "which arise between nations, the various branches of industry are differently affected, and calculations, founded on the supposed interest of either party, being often fallacious, may prove to be uncertain guides in the policy of nations." King knew the South was adversely affected by the restrictions, but he refused to blunt the legislation when the nation as a whole would benefit in the future. There were more important issues at stake

according to King, which affect "the reputation and rights of the United States, and the public honor justifies the countervailing measures adopted."[97]

King's perseverance was justified when Britain passed a law in June 1822 that opened some colonial ports to American vessels carrying certain articles of American produce, under specific conditions. When the Americans achieved this victory in 1822, Bradford Perkins has suggested it, "was almost as important, in terms of national morale, as Adams' lengthy effort to obtain the Floridas."[98] The United States refused to eliminate duties on British ships, as the British law called for, and relations did not improve until March 1823, when President James Monroe further relaxed restrictions by proclamation. Nothing further was done under the John Quincy Adams administration, but in 1830, President Andrew Jackson agreed to ensuing British offers of relaxation, essentially creating reciprocal trade between America and the British West Indies. While King did not live to see this victory, it was his strategic vision, based on his reading of free trade philosophy and strong naval power, which helped created the economic conditions he felt would help the nation become a great power in the future.

King's push for free trade and a stronger navy, in order to defend its rights among the nations of the world would dovetail his opposition to slavery during the Missouri Controversy of 1819-1821. If free trade would promote peace, those connections would be undermined by slavery in King's view. It is only by examining the Missouri Controversy through the lens of legitimacy that King's radical anti-slavery speech of February 1820 begins to make sense. He wanted America to have a strong position globally through free trade, but that would be undermined by the cancer of slavery that ate away at the legitimacy of the nation. The nations of Europe rejected the institution in their own boundaries, and King felt America's place in the world would be damaged with such a violent institution at the center of the American state.

[1] Scrap notes, 1825, RK Papers, Box 22, Folder 6, N-YHS. "On the mountain wave," was a poetical turn of phrase that appeared in several periodicals in the early nineteenth century. This folder contains what seem to be short notes for a speech on navigation and commercial issues. A few representative lines include, "Now Cong. Have Pow[rs]. she also [has] a Treaty," and "No profit[ble] Com. without Navy. and no wealth [illegible] nor safety without Man. Com. & Navy. in and of agriculture." The latter in particular summarizes the political economy of RK.
[2] RK to Sir William Scott, 11 December 1814, RK Papers, Box 14, Folder 5, N-YHS. On RK's life from 1803-1813 see Robert Ernst, *Rufus King: American Federalist* (Chapel Hill: University of North Carolina Press, 1968), 274-311.
[3] For definitions of political economy in the early American republic see *The Concise Oxford Dictionary of Politics*, s.v. "Political Economy," by Peter Burnham, accessed 25 September 2012, http://www.oxfordreference.com; James L. Huston, "Economic Landscapes Yet to be Discovered: The Early American Republic and Historians' Unsubtle Adoption of Political Economy," in *Whither the Early Republic: A Forum on the Future of the Field*, eds. John Lauritz Larson and Michael A. Morrison (Philadelphia: University of Pennsylvania Press, 2005), 71; S.D. Kimmel, "Philanthropic Enterprise: The Imperial Contradictions of Republican Political Economy in Philadelphia during the Era of Lewis and Clark," in *The Shortest and Most Convenient Route: Lewis and Clark in Context*, ed. Robert S. Cox (Philadelphia: American Philosophical Society, 2004), 56-57; Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (New York: W.W. Norton, 1982), 5-7.
[4] RK never denigrated manufacturing, but did say it required special skills and knowledge in order to turn a profit. He told his son Edward, "[m]en who have skill and will personally employ it in superintending and directing manufactures may draw profit from them; but those who are without such skill and who are to employ, depend on and pay for agents, who are to superintend manufactures, will be disappointed if they expect profit. This has been proved over and over again in this country, as well as in every other. I am therefore decision my advice to you to take no share in any manufacturing establishment; you would not only make not make profit, but probably as I have done lose your capital." RK to Edward King, 20 December 1817, *LCRK,* Vol. 6, 86. RK's lost capital might have come from investments in the Ball Town Spa Co., a cotton-clothing manufacturer. See RK to Nicholas Low, 6 April 1815, RK Papers, Box 14, Folder 7, N-YHS and an undated contract for shares at RK Papers, Box 15, Folder 2, N-YHS. For references to RK's other investments in factories see James Gore King's description of RK's estate, including, "[t]he Manufacturing stocks divide to 10 to 12 pCent p[er] annum on their par value – viz[t] Locks Canals $500 p share—Hamilton, Merimack and Waltham $1000 each." James Gore King to Edward King, 12 July 1828, Sarah Worthington King Peter Manuscript Collection, Ross County Historical Society, Chillicothe, Ohio.
[5] RK, *Speech of the Hon. Rufus King on the American Navigation Act Delivered in the Senate of the United States at the Last Session of Congress* (New-York: Kirk & Mercein, 1818), 15.
[6] Lawrence A. Peskin "How the Republicans Learned to Love Manufacturing: The First Parties and the 'New Economy,'" *Journal of the Early Republic* 22 (Summer 2002): 245-250. Peskin says the Federalist concern with free trade was conservative. This chapter argues RK's concern for the common good was progressive in nature.
[7] McCoy, *The Elusive Republic*, 162.
[8] On Hamilton's political economy see John R. Nelson, "Alexander Hamilton and American Manufacturing: A Reexamination," *Journal of American History* 65 (March 1979): 971-995. On Jefferson and Madison's political economy see McCoy, *The Elusive Republic*. On Coxe's political economy see, Martin Öhman, "Perfecting Independence: Tench Coxe and the Political Economy of Western Development," *Journal of the Early Republic* 31 (Fall 2011): 397-433. For small-scale manufacture support for the Republicans see Andrew Shankman, "'A New Thing on Earth': Alexander Hamilton, Pro-Manufacturing Republicans, and the Democratization of American Political Economy," *Journal of the Early Republic* 23 (Autumn 2003): 323-352; Peskin, "How Republicans Learned to Love Manufacturing," 235-262. For a critique of Jefferson's views on political economy see Doron S. Ben-Atar, *The Origins of Jeffersonian Commercial Policy and Diplomacy* (New York: St. Martin's Press, 1993).
[9] RK noted that such revitalization occurred in Scotland after the Act of Union of 1707. See RK's copy of William Bollan, *Continued Corruption, Standing Armies, and Popular Discontents Considered; and the Establishment of the English Colonies in America* (London: Printed, and Sold by J. Almon, 1768). At page 78, RK made a marginal intervention at the sentence, "[b]y the union of *Scotland* with *England* the *Scots* have obtained freedom, with participation of the *English* commerce." Next to this line RK wrote in the margin "[at] least an increase."[9] RK read in the fashion of Adam Smith, searching for empirical proof and historical examples to prove his points.
[10] Harlow Sheidley, *Sectional Nationalism: Massachusetts Conservative Leaders and the Transformation of America, 1815-1836* (Boston: Northeastern University Press, 1998).
[11] RK to Christopher Gore, 5 November 1816, *LCRK*, Vol. 6, 32-35, quote on 34.
[12] William Louis Ewbank, "Rufus King and the War of 1812" (master's thesis, University of Washington, 1966), 41-42.

[13] Paul Gilje, "Free Trade and Sailors Rights," *Journal of the Early Republic* 30 (Spring 2010): 5; Peskin, "How the Republicans Learned to Love Manufacturing," 246. Free trade "was an ambiguous concept," Peskin contends; Felix Gilbert, *To the Farewell Address: The Beginning of American Foreign Policy* (Princeton, NJ: Princeton University Press, 1961), 44-75, esp. 67-69. For RK's rejection of the second definition of free trade and his belief that complete free trade was an impossibility, see his notes for "The Defence" series of 1795-1796, RK Papers, Box 27, Folder 5, N-YHS. RK stated "[t]he proper commerce of a nation shall remain free, but under that right, a Neutral may not extend Freedom to the commerce of an Enemy." Throughout his contributions to "The Defence" series, RK claimed that free ships only made free goods when non-contraband goods were being transported. RK also noted, "[w]ere we without Treaties, or were the Treaties which we have formed free from engagements, which go beyond the mere offices of neutrality, there would not be the smallest difficulty in our way.—Strict impartiality, and a conduct equally friendly to all would be the profitable course that we should hold." RK essay on neutrality proclamation, undated but probably 1793, *LCRK*, Vol. 1, 441.

[14] *Annals of Congress,* Senate, 17th Congress, 1st Session, 296. This is also reprinted at *LCRK*, Vol. 6, 30.

[15] RK to Christopher Gore, 1 February 1822, *LCRK*, Vol. 6, 454.

[16] RK's library had a variety of texts on political economy, including Jean-Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, trans. Clement C. Biddle, 2 vols. (Boston: Wells and Lilly 1821); David Ricardo, *On the Principles of Political Economy, and Taxation* (Georgetown, DC: Published by Joseph Milligan, 1819); Antoine Louis Claude Destutt de Tracy, *A Treatise on Political Economy; to Which is Prefixed a Supplement to a Preceding Work on the Understanding Or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will*, trans. Thomas Jefferson, (Georgetown, DC: Published by Joseph Milligan, [1818]); Charles Ganilh, *An Inquiry into the Various Systems of Political Economy; Their Advantages and Disadvantages; and the Theory most Favourable to the Increase of National Wealth*. (New-York: Published by Peter A. Mesier, 1812); [Benjamin Vaughan or William Vaughan], *New and Old Principles of Trade Compared; or a Treatise on the Principles of Commerce between Nations; with an Appendix* (London: Printed for J. Johnson and J. Debrett, 1788); James Steuart, *An Inquiry into the Principles of Political Oeconomy: Being an Essay on the Science of Domestic Policy in Free Nations. In which are Particularly Considered Population, Agriculture, Trade, Industry, Money, Coin, Interest, Circulation, Banks, Exchange, Public Credit, and Taxes*, 3 vols. (Dublin: Printed for James Williams, 1770).

[17] RK bought two books dealing with maritime issues from the estate of James Otis in this period. See RK copies of *A Collection of All Such Statutes, and Parts of Statutes, As Any Way Relate to the Admiralty, Navy, and Ships of War, and other Incidental Matters; in which the Officers, or Other Persons Belonging to the Said Offices, or Employed in His Majesty's Sea-Service, May Be Concerned: Down to the 14th Year of King George the Second, Inclusive.* (London: Printed by Thomas Baskett, 1755); Charles Molloy, *De jure maritimo et navali: or, a Treatise of Affairs Maritime and of Commerce* (London: Printed for John Bellinger, et al., 1688). Molloy's work was the standard text for a working lawyer like RK in the early 1780s.

[18] For RK's continued management of Alsop's affairs after 1794 see The Letters and Accounts of Nicholas Low of New York, as Agent of The Hon[ble]. Rufus King, 1796-1802, RK Papers, Vol. 37, N-YHS, *passim*; Inventory of RK's Estate for 1809 & 1815, King Family Papers, Box 1754-1819, Folder 1803, N-YHS. Of special interest are the 1815 entries for "Gracie & Sons Bond of a/c [$]8,800" and several other bonds over $5,000 to various merchants in New York. Also see information on money lent to merchants in Account Book, 1806-1825, RK Papers, Vol. 100, N-YHS, *passim*. For RK's investments in overseas commerce see Oliver Wolcott and Co., Account Books 1804-1815, 2 vols., N-YHS. Information on RK's investments can be found at Vol. 1, 208 and Vol. 2, 104, 117-118, 141. RK made large sums of money through his investments with Wolcott. For example, a $20,000 investment in the China trade reaped RK a 25 percent dividend in 1809, a 40 percent dividend in 1810, and a 16 percent dividend in 1812. He also made over $6,500 from his involvement in the sale of tea and cloth from China in 1812.

[19] For King's troubles with commercial investments after the 1819 collapse see, Account Book 1806-1825, Vol. 100, entries for 6 August 1822, 7 November 1822, 25 March 1823, 30 October 1823; notes in blank pages in Andrew Beers, *Beers' Long Island Almanac for the Year 1823* (Jamaica, NY: Henry C. Sleight, 1823) in RK Papers, Box 91, Folder 1, N-YHS; RK to John Alsop King, 10 April 1823, RK Papers, Box 20, Folder 10, N-YHS. Archibald Gracie owed RK so much money that RK took ownership of Gracie Mansion and eventually sold it. See Ellen Stern, *Gracie Mansion: A Celebration of New York City's Mayoral Residence* (New York: Rizzoli, 2005), 25-26.

[20] Ernst, *Rufus King,* 36-42.

[21] . Jeffry Morrison, *The Political Philosophy of George Washington* (Baltimore: Johns Hopkins University Press, 2009), 41. The timing of RK's reading is not surprising. While Smith's work was first published in 1776, it was not

referenced in Parliamentary debate until 1784, when Charles James Fox used it on the floor. This led to increased interest in the text

[22] RK to Elbridge Gerry, 5 June 1785, *LCRK,* Vol. 1, 109. RK did not have a copy of Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations* in his library at the time of his death in 1827, but it is clear he used the book at several points in his life and was very familiar with its arguments.

[23] RK to John Adams, 2 November 1785, *LCRK*, Vol. 1, 113.

[24] Nicholas Phillipson, *Adam Smith: An Enlightened Life* (New Haven, CT: Yale University Press, 2010), 224-227.

[25] RK copy of Henry Dundas, *Substance of the Speech of the Right Honourable Henry Dundas, on the British Government and Trade in the East Indies*, *April 23, 1793* ([London, 1793]), marginalia on 29.

[26] Commonplace Book, ca. 1814-1819, RK Papers, Vol. 76, N-YHS (hereafter cited as Vol. 76). This commonplace book can be dated from late 1814 to mid-1819. It starts with extracts on the issue of the fisheries from the Treaty of Ghent and passages from law of war sources written after the burning of Washington D.C. in August 1814. It ends with a discussion of paper currency, which is related to the economic depression of 1819. Also on the last page of the notebook, King pasted an article involving William Wilberforce and the slave trade, which he dated "July 1819" in his own hand.

[27] RK's copy of James Boswell, *The Journal of a Tour of the Hebrides, with Samuel Johnson, LL.D.* (London: Printed by Henry Baldwin, for Charles Dilly, 1785), marginalia on 283.

[28] Scrap notes at RK Papers, Box 12, Folder 4, N-YHS. Clinton gave the speech on January 31, 1809.

[29] In scrap notes with the label "Sailors," RK said "[t]here is no class of men whose disregard of Wealth is so notorious as that of Seamen. Their Generosity, carelessness & profession are proverbial – Removed from the sight of the comforts & luxuries which Riches can buy, they have scarcely a motive to acquire Wealth – they have little time to spend it, their Lives are more precarious than those of other men, an by the Praises bestowed on their successful courage they are already rewarded with the Distinction, which other men gather Riches to obtain." RK Papers, Box 19, Folder 1, N-YHS.

[30] RK copy of Dundas, *Substance of the Speech*, marginalia on 10.

[31] Camillus [pseudonym for RK], "The Defence," No. 35," The [New York] *Herald; A Gazette for the Country*, 26 December 1795.

[32] RK copy of Dominique-Albert Azuni, *Systême universel de principes du droit maritime de l'Europe*, 2 vols. (Paris: de l'imprimerie de digeon, 1798). For a detailed discussion of RK's use of Azuni's text see chapter 3 of this dissertation. For RK's reading of Azuni after 1803, see RK Papers, Box 27, Folder 5, N-YHS. In this folder of scrap notes RK made a commonplace style note with the heading "Pirates," and underneath the extract cited "2 Azuni – Raneval [misspelling Rayneval], page 164." See RK copy of Gérard de Rayneval, *Institutions du droit de la nature et des gens* (Paris: Leblanc, 1803).

[33] RK copy of Azuni, *Systême universel*, marginalia at front free endpages. This marginalia makes reference to page 251. As RK often did, he seems to have read this passage, turned to the endpages and then rewrote it from memory as he incorrectly transcribed the punctuation of the passage, which should say "ut omnes ejus institute laudari facilius possent quam aemulari." Azuni's book was first published in Italian in 1795 and then translated into French in 1798. The translation of the Latin phrase comes from the English translation of the book, M.D.A. Azuni, *The Maritime Law of Europe*, Vol. 1 (New-York: Printed for George Forman, et al., 1806), 386. All subsequent English citations of the Azuni book come from this 1806 edition. All footnote numbers have been silently removed from this and subsequent quotes.

[34] Marcus Tullius Cicero, *The Orations of Marcus Tullius Cicero*, trans. by C. D. Yonge, Vol. 2 (London. Henry G. Bohn, 1856), 452.

[35] RK made a similar comparison of American isolation and weakness when he read about Corcyra in his copy of Thucydides, *The History of the Peloponnesian War, Translated from the Greek of Thucydides*, trans. William Smith, Vol. 1 (London: Printed for T. Evans, 1781), interventions at 282-283. See Chapter 1 of this dissertation for a discussion of RK's use of this text.

[36] RK's copy of Azuni, *Systême universel*, 250-252; English translation from Azuni, *The Maritime Law of Europe*, Vol. 1, 385-386.

[37] Azuni, *The Maritime Law of Europe*, Vol. 1, 387.

[38] RK to Oliver Wolcott, 26 February 1815, Oliver Wolcott Papers, Vol. 23, Connecticut Historical Society, Hartford.

[39] Vol. 76, under the heading "Ocean." RK noted this came from "Puffend. Lib. 4.C.5.5.9.10." See RK copy of Samuel Pufendorf, *Le droit de la nature et des gens*, trans. Jean Barbeyrac, 2 vols. (Amsterdam: Chez Pierre De Coup, 1712).

[40] Ibid. RK noted this came from "Rutherford 2. 486." See RK's copy of Thomas Rutherforth, *Institutes of Natural Law Being the Substance of a Course of Lectures on* Grotius de Jure Belli et Pacis, 2 vols. (Cambridge, England: Printed by J. Bentham, 1754-1756).
[41] Ibid. RK did not cite a Grotius text in the commonplace book and probably took this from the Rutherforth text.
[42] Ibid. RK did not cite a Vattel text, but King's notes are from an unknown edition of Emerich de Vattel, *The Law of Nations, or, Principles of the Law of Nature*. RK cited this material from Book 1, Chapter 23, Section 287. RK sent his copy of Vattel's *The Law of Nations* to his son Edward King in Ohio in 1816. See RK to Edward King, 6 September 1816, King Family Papers, Vol. 1, Cincinnati Historical Society. For RK's replacement copy see Emerich de Vattel, *The Law of Nations, or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns* (Philadelphia: Printed and published by Abraham Small, 1817).
[43] Ibid. RK did not cite page numbers for the texts of Sir Philip Meadows or Adam Anderson. There is no entry in any RK library catalog for Sir Philip Meadows, *Observations Concerning the Dominion and Sovereignty of the Seas Being an Abstract of the Marine Affairs of England* ([London:] Printed by Edw. Jones and sold by Samuel Lowndes, 1689). See RK's copy of Adam Anderson, *An Historical and Chronological Deduction of the Origin of Commerce, from the Earliest Accounts. Containing An History of the Great Commercial Interests of the British Empire,* 4 vols. (London: Printed at the Logographic Press, by J. Walter, 1787-1789). There are no RK interventions in any volume of this set.
[44] Ibid. See RK copy of John Selden, *Of the Dominion, or, Ownership of the Sea* (London: Printed by William Du-Gard, by the appointment of the Council of State, 1652).
[45] Vol. 76. RK noted this came from "Bp Burnet His. of the Reign of Queen Ann Vol. 6. 12mo. page 155." Underlining is RK's. See RK copy of Gilbert Burnet, *Bishop Burnet's History of His Own Time*, 6 vols. (London: Printed for the Company of Booksellers, 1725). Only vols. 1-3 could be found at N-YHS.
[46] Both quotes from Vol. 76, under the heading "Fisheries." RK noted it came from "Knox Br. Emp. 287." Underlining and brackets are RK's. See RK copy of John Knox, *A View of the British Empire, More Especially of Scotland: With Some Proposals for the Improvement of that Country, the Extension of its Fisheries, and the Relief of the People* (London: Printed for J. Walter, 1789).
[47] Vol. 76, under the heading "Fisheries." RK did not provide a page number, but noted it came from "John Knox, who was under Secretary during the Amer. War, published in 1784 a work upon the Trade and Fisheries of the Br. Empire." Underlining is RK's. See RK's copy of John Knox, *A View of the British Empire.*
[48] Vol. 76, under the heading "Fisheries." RK noted this came from "Knox Br. Emp. 288." Underlining is RK's. See RK's copy of John Knox, *A View of the British Empire.*
[49] Vol. 76. This quote is from RK's comments beneath the extracted text from "Knox Br. Emp. 288," referenced in note 32 above.
[50] Vol. 76, under the heading "Fisheries." RK did not own a copy of Pieter Willem baron de Liedel de Well's *Memoir* at his death.
[51] RK to Edward King, 23 December 1815, King Family Papers, Vol. 1, Cincinnati Historical Society; Ernst, *Rufus King*, 342.
[52] Commonplace Book, ca. 1819-1820, RK Papers, Vol. 101, N-YHS (hereafter cited as Vol. 101). This commonplace book can be dated from two separate periods. The earlier section of the book contains material from 1819 to mid-1820. RK pasted a newspaper clipping on the House of Lords and Foreign Trade from July 1820. There are tipped in pages as well, one of which appears to deal with militia issues from the early part of the War of 1812 and another page that contains notes on slavery from the Missouri Controversy in 1820. At some point, RK flipped over the notebook and added material from the other end. This second part of the notebook cites material from 1820 exclusively. See RK's copy of *Aristotle's Ethics and Politics, Comprising his Practical Philosophy*, trans. John Gillies, 2 vols. (London, 1797). It could not be found at N-YHS. The quote from Hume comes from his essay "On Money," and is found in *Essays and Treatises on Several Subjects*. See RK's copy of David Hume, *Essays and Treatises on Several Subjects. Containing Essays, Moral, Political, and Literary. A New Edition. To which are added Dialogues Concerning Natural Religion*, 2 vols. (Edinburgh: Printed for T. Cadell, London; and Bell & Bradfute, and T. Duncan, Edinburgh, 1793). There is no marginalia in either of these volumes, although volume one has a dog-earred page 458 at the beginning of the essay "Of the Original Contract," at a section of the text that discusses the need to have magistrates to maintain society.
[53] Vol. 76, under the heading "Protecting Duties." RK did not cite any sources for the paragraphs under this heading, but they generally discuss the thought of Adam Smith and David Hume.
[54] Ibid.
[55] Ibid.

[56] Ibid.
[57] Ibid.
[58] RK was clear about how slow this process would be in the mid-1790s when he was writing as Camillus in "The Defence" series.
[59] Vol. 101. The bracketed material was not quoted by RK. Ricardo published *Proposals of an Economical and Secure Currency* in 1816. It is not in RK's library inventory of 1827, nor is a separate pamphlet available at N-YHS. RK did own a copy of David Ricardo, *On the Principles of Political Economy.* The book contains no marginalia beyond an RK signature on the title page.
[60] RK to Jeremiah Mason, 21 April 1818, *LCRK*, Vol. 6, 142-144, quote on 143. The bill passed the Senate on April 3, 1818 by a vote of 32-1. Only John Eppes of Virginia voted against the bill. See *Annals of Congress*, Senate, 15th Congress, 1st Session, 339. The House of Representatives voted 123-16 and passed the bill on April 13, 1818. See *Annals of Congress*, House of Representatives, 15th Congress, 1st Session, 1719-1720. President James Monroe signed it on 18 April 1818. See *United States Statutes at Large*, Vol. 3, 15th Congress, 1st session, Chapter 70, 432. Its provisions went into effect on 30 September 1818. The 1815 commercial convention between Britain and the U.S. was set to expire July 1819. It was ultimately extended for ten years in October 1818 and in 1827 it was extended indefinitely. See Vernon G. Setser, *The Commercial Reciprocity Policy of the United States 1774-1829*, reprint edition (1937; repr., New York: Da Capo Press, 1969), 187-188. For the Senate side of the debate see *Annals of Congress*, 15th Congress, 1 session, 312-339. RK's speech is at 324-339.
[61] Brian Schoen, *Fragile Fabric of Union: Cotton, Federal Politics, and the Global Origins of the Civil War* (Baltimore: Johns Hopkins University Press, 2009), 104. Schoen also discusses the Navigation Act of 1817 at 97-98 and 104; For an excellent overview of reciprocity and the various trade and navigation acts passed after the War of 1812 see Robert Freeman Smith, "Reciprocity," in *Encyclopedia of American Foreign Policy*, Vol. 3, eds. Richard Dean Burns, Alexander DeConde, and Fredrik Logevall, (New York: Charles Scribner's Sons, 2002), 329-344; George Dangerfield, *The Era of Good Feelings* (1952; repr., Chicago: Ivan R. Dee, 1989), 256. Dangerfield provides background to the commercial disputes between America and Britain at 254-263; The act is briefly mentioned at Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (1949; repr., Westport, CT: Greenwood Press, 1981), 457; F. Lee Benns, *The American Struggle for the British West Indies Carrying Trade 1815-1830* (1923; repr., Clifton, NJ: Augustus M. Kelley, 1972), 51-53. Benns discusses the various trade and navigation laws after the War of 1812 at 38-88; Setser, *The Commercial Reciprocity Policy of the United States*, 188. Robert Ernst has a brief discussion in *Rufus King*, 354-356; Bradford Perkins said the Navigation Act of 1818 was "part of the larger crusade to complete the work of independence and the development of national power." Perkins, *Castlereagh and Adams*: *England and the United States 1812-1823* (Berkley: University of California Press, 1964), 231. The Navigation Act is not referenced in George C. Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (New York: Oxford University Press, 2008); Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007); or Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton, 2005).
[62] Vol. 101. This quote is from RK copy of John Gillies' introduction to Aristotle's *Politics* in *Aristotle's Ethics and Politics, Comprising His Practical Philosophy*, trans. John Gillies, Vol. 2 (London, 1797), 14. RK owned a copy of this book, but it could not be found at N-YHS. Edition information from Catalog of the King Library, ca. 1906, 8 vols., N-YHS Archive, N-YHS (hereafter cited as Catalog of the King Library, ca. 1906). The sentence before this quote says, "Nations, circumstanced as they are, may derive armies chiefly from agriculture, but must principally depend for supplies on manufactures and commerce." On Gillies see *Oxford Dictionary of National Biography,* s.v. "Gillies, John (1747-1836)," by W.W. Wroth and revised by I.C. Cunningham, accessed 6 November 2012, http://www.oxforddnb/view/article/10744.
[63] RK, *Speech of the Hon. Rufus King on the American Navigation Act*. An edition was also printed in London. RK, *The Speech of Rufus King, Esq., in the Senate on the Navigation Laws of the United States Which is at This Time Deserving of the Serious Attention of the British Legislature* (London: Printed by Thomas Davison, and sold by Charles Hunter, 1819). RK's notes for the speech and pamphlet can be found at RK Papers, N-YHS, Box 16, Folders 1-2. If RK created short notes to help him speak extemporaneously on the Navigation Act, which was his usual practice, they have not survived. While it is impossible to say that RK's oratory included everything he published in the pamphlet, he no doubt said something similar. Newspapers that published the speech include New York *Commercial Advertiser*, 12 June 1818; *New-York Spectator*, 16 June 1818; Philadelphia *Franklin Gazette*, 22 June 1818; *Niles' Weekly Register*, 27 June 1818. From Boston, Theodore Dawes noted, "[t]he Speech had been tolerably well printed in our newspapers." Dawes to RK, 16 July 1818, *LCRK*, Vol. 6, 155.

[64] RK noted he made minor revisions to the speech when converting into a pamphlet at RK. He said, "Charles [King] will send you a Copy of my speech on the Navigation Act, which I revised & corrected in a few instances, preparatory to its being printed in a pamphlet form." Christopher Gore, 28 June 1818, RK Papers, Box 16, Folder 5, N-YHS.
[65] Notice of the delivery of the pamphlet on June 27, 1818 can be found at *New-York Evening Post*, June 26, 1818. The other pamphlets were *Substance of Two Speeches, Delivered in the Senate of the United States, on the Subject of the Missouri Bill* (New-York: Published by Kirk and Mercein, 1819) and *Speech of the Hon. Rufus King in the Senate of the United States, March 18, 1824, on a Motion that the Several Amendments before the Senate Respecting the Election of the President of the United States, Be Indefinitely Postponed* (Washington, DC: Printed by Gales & Seaton, 1824).
[66] For a detailed exposition on RK's use of the thought of Adam Smith and David Hume see Vol. 76, under the heading "Protecting Duties." The literature on Hume and Smith's views on trade, commerce, and monopoly is immense. This dissertation relied on background material from Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA. and London: The Belknap Press of Harvard University Press, 2010); Phillipson, *Adam Smith*; Emma Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge, MA: Harvard University Press, 2002); Drew R. McCoy, *The Elusive Republic*, 13-75; Istvan Hont and Michael Ignatieff, eds. *Wealth and Virtue: The Shaping of Political Economy in in the Scottish Enlightenment* (New York: Cambridge University Press, 1986); W.D. Grampp, "Adam Smith and the American Revolutionists," *History of Political Economy* 11 (Summer 1979): 179-191.
[67] Darren Staloff, *Hamilton, Adams, Jefferson: The Politics of the Enlightenment* (New York: Hill and Wang, 2005), 55-129. On virtue's sense of strength and morality, see Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003), 6.
[68] Vol. 101, under the heading "Hume & Smith on wealth of Nations."
[69] RK, *Speech of the Hon. Rufus King on the American Navigation Act*, 3. Also see RK's comments on Adam Smith and David Hume that, "[p]ublic wealth consists in the productive powers of Land & Labour – In agriculture & Pasturage, the Energy of nature cooperates with the Industry of Man, then Labors produce firmness & Contentment – unfavorable to Sloth, intemperance & avarice – Husband man the best materials for a good form of Gov^{t}. and the least disposed to disburb y[e]. Gov. under wh. they live." Vol. 101, under the heading, "Hume & Smith on wealth of Nations."
[70] RK, *Speech of the Hon. Rufus King on the American Navigation Act*, 4.
[71] Ibid., 5.
[72] RK, *Speech of the Hon. Rufus King on the American Navigation Act*, 5-7, quote on 7. Also see RK's copy of Patrick Colquhon, *A Treatise on the Wealth, Power, and Resources, of the British Empire, in Every Quarter of the World, Including the East Indies: The Rise of Progress of the Funding System Explained* (London: Printed for Joseph Mawman, 1815). On page 47, Colquhon considered the rise and progress of East India affairs and made a list of what could be concluded. The fourth item said the British should establish a monopoly of trade in India for its own subjects and exclude all others. In a marginal intervention, King wrote, "☞ this cannot be submitted to by the US and other for. [foreign] nations."
[73] RK's copy of Dundas, *Substance of the Speech*, RK's underlining at 10.
[74] RK, *Speech of the Hon. Rufus King on the American Navigation Act*, 8-9.
[75] Ibid., 9.
[76] Ibid., 11.
[77] Ibid., 11.
[78] Richard Rush to Charles Jared Ingersoll, 22 September 1818, Charles Jared Ingersoll Papers, Box 3, Folder 9, Historical Society of Pennsylvania, Philadelphia; "Mr. King's Speech on the Navigation Act," *Independent Chronicle & Boston Patriot*, 17 June 1818.
[79] RK to Edward King, 28 June 1818, *LCRK*, Vol. 6, 150-151, quote on 151.
[80] Vol. 76, extract at front inside cover. See RK's copy of Adam Anderson, *An Historical and Chronological Deduction of the Origin of Commerce, from the Earliest Accounts. Containing An History of the Great Commercial Interests of the British Empire,* 4 vols. (London: Printed at the Logographic Press, by J. Walter, 1787-1789). There are no RK interventions in any volume of this set.
[81] Vol. 76, extract at front inside cover.
[82] I thank Dr. K.F.B. Fletcher of Louisiana State University for the translation from Latin.

[83] Vol. 76. For translation of "Florent quoque Lilia Ponto," and information on Richelieu's officer program see Thomas G. Ford, "The Dawn of Navigation and Its Books, Theories, and Instruments," in *Proceedings of the United States Naval Institute* 32 (March 1906): 272.
[84] Vol. 76.
[85] RK to Robert Troup, 27 September 1799, RK Papers, Box 8, Folder 4, N-YHS.
[86] Benns, *The American Struggle*, 21-22.
[87] RK, Essay on State of Foreign Relations, 1810, *LCRK*, Vol. 5, 539-542, quote on 540.
[88] Undated and untitled RK essay, probably 1814, *LCRK*, Vol. 5, 405-6. In the strategy document made by the Federalist Congressional caucus, where King was a leader, in October 1814, it stated, "[c]oncerning the Navy, a steady policy in favor of its gradual increase must be pursued, and numerous vessels, not exceeding the size of sloops of war, should be equipped to cruize against the Enemy." Endorsed RK memorandum, October 1814, *LCRK*, Vol. 5, 423.
[89] RK, *Speech of the Hon. Rufus King on the American Navigation Act*, 14-16. RK's dislike of standing armies went deep. See underlining and checkmarks in his copy of William Jackson, *The Constitutions of the Several Independent States of America; The Declaration of Independence; and the Articles of Confederation Between the Said States to which are now Added, the Declaration of Rights, the Non-Importation Agreement; and the Petition of Congress to the King Delivered by Mr. Penn* (London: Printed for J. Stockdale, in Piccadilly, 1783), 14-15, 22. 45, 163,186, 241-242. Also see commonplace scrap notes with heading "Standing Army" and "A Standing army is dangerous in free Gov^{ts}" at RK Papers, Box 27, Folder 8, N-YHS. Under this same heading RK also wrote, "Cromwell ruled with an army not exceeding 25000 Men – the Pretorian Guards never exceeded 12000, & the Janasaries [sic] of the Turk do not exceed that number."
[90] RK to John Adams, 12 July 1818, *LCRK*, Vol. 6, 152-154.
[91] Vol. 76.
[92] Further comments on RK's belief in the need for commercial and naval power can be found at RK scrap notes in RK Papers, Box 22, Folder 6, N-YHS. RK noted "Nations are great by y Sword or commerce – and only by these means."
[93] RK predicted the need for future amendments to the original act in *Speech of the Hon. Rufus King on the American Navigation Act* (1818), 40.
[94] Vol. 101.
[95] Ibid.
[96] Ibid., RK marked an "x" before the underlined portion.
[97] All quotes from *Niles' Weekly Register*, 23 March 1822.
[98] Perkins, *Castlereagh and Adams*, 237.

CHAPTER 5: Rufus King and the Reading of the Higher Law during the Missouri Controversy

> There has always been in England, vigilant, jealous, and incorruptible men who have their Country incessantly before their Eyes, who struggle against the tor[r]ent of foreign … Interests, and who speak like Citizens in the midst of the most corrupt assembly. A Government where such men may fully speak their thoughts, where they speak them without fear and without Evasions has in itself a grand Principle of Life and vigor.
>
> -Belsham's Geo 3. Vol. 3, 231.[1]

Rufus King recorded this passage in a commonplace book he kept throughout 1820, during the height of the Missouri controversy. William Belsham, a Whig historian who took a jaundiced view of the reign of King George III in his *Memoirs of the Reign of George III*, quoted the French theologian and historian Claude-François-Xavier Millot's *Elements of the History of England* in this passage.[2] While Millot wrote in support of Parliament's move to return to three-year terms instead of seven to lessen the Crown's dominance in 1734, Belsham borrowed the passage to excoriate the Parliament that was dissolved in 1768 for their "perpetual vicissitude and fluctuation."[3] King appropriated this during a period of disgust with his Congressional colleagues for allowing slavery to spread beyond the nation's original borders of 1783. It seems likely that he copied this passage in the months after he fought a losing battle against admitting Missouri as a slave state. Despite his inability to carry the political battle, he felt pride in the principled stand he took with his partners.

This chapter will argue that King's use of moral philosophy, the law of nature, and the law of nations to attack slavery during the Missouri Controversy of 1819-1820 was the consummation of a lifetime of reading to promote the legitimacy and treaty-worthy character of the nation. King made an instrumental law argument during his 1820 speeches, using whatever mixture of sources would help advance his point. It was not strictly philosophical, even though it often came across that way. This higher law doctrine was then funneled through the common

law tradition of the early republic, which demanded the protection of rights and the common good be the constant goal of government.

King's printed speeches from 1819 have been written about extensively, but his February 11, 1820 speech and a shorter rebuttal he gave to pro-slavery Southerners on February 16, 1820 were not recorded.[4] King deliberately suppressed publication of these speeches in the newspapers, but the speech-notes survived.[5] No historian has ever tried to reconstruct the speech through this source.[6] In addition, a set of notes that Illinois Senator Ninian Edwards took while listening to King, a commonplace book King used in 1819-1820, newspaper articles, and certain books from his library provides further evidence of his views during the Missouri Controversy.[7] This chapter will use these sources to explain King's reading during his research and preparation for the two speeches, outline the moral themes he found in the texts, and consider his radical intent.[8]

On February 11, 1820 Rufus King stood before a capacity crowd in the Senate chambers and delivered the most important speech of his life. Commanding the gravitas of the Roman orators he so admired, King proclaimed

> I have yet to learn that one man can make a slave of another. If one man cannot do so, no number of individuals can have any better right to do it. And I hold that all laws or compacts imposing any such condition upon any human being are absolutely void, because contrary to the law of nature, which is the law of God, by which he makes his ways known to man, and is paramount to all human control.[9]

He hurled these incendiary words at the slaveholders in a "dignified, grave, earnest, but not rapid vehemence," as Washington's free blacks listened intently in the upper gallery.[10] It was King's greatest effort to restrict slavery from spreading into the Missouri territory, and it was doomed to failure.

The next week the Senate would reject any restriction on slavery in Missouri and passed a compromise suggested by Illinois Senator Jesse Thomas, which admitted Maine as a free state and drew a line across the rest of the Louisiana Purchase territory at the 36° 30' parallel. All future states north of the parallel, excluding Missouri, would be free and those south of it would be open to slavery. Despite the vast territory this reserved for freedom, King saw it as a political sop. In his mind, it was worthless desert land that resembled the "Steppes of Tartary."[11] After several weeks of acrimonious debate in the House of Representatives, a few Northern representatives, known to posterity as "doughfaces" for their unfaithfulness to the anti-slavery cause, joined the unified bloc of slaveholders to pass the compromise bill. President James Monroe signed it two days later, ending the first round of the Missouri Controversy.[12]

Historians examining the Missouri Controversy usually minimize King's moral rhetoric and emphasize his political maneuvering. David Brion Davis, citing King's natural law quote from above, diverges from this interpretation, and proclaimed that "[s]o far as I know, up to that time no statesman or political leader in the world had publicly made such a radical declaration of slavery's illegality."[13] Just what did King mean by arguing that slavery was illegal because it violated the law of nature? Throughout his speech-notes, King equated the law of nature with the law of nations, demonstrating that he understood the ramifications of slavery's extension into Missouri from an international perspective. Why did King read various law of nations sources, including the works of Justinian, Hugo Grotius, Emerich de Vattel, and William Blackstone, in a debate involving an American territory at the center of the continent with no obvious connection to foreign affairs? In my assessment, King understood the extension of slavery into Missouri from the global perspective of a statesman and feared that America would lose legitimacy as a nation among nations by the continued growth of slavery. If the odious institution of slavery

were allowed to take even deeper root in the nation, the state of war it represented would promote disunion, causing America to project weakness among other treaty-worthy nations. While party and sectional politics played a part in King's actions, his moral arguments and legal reasoning as a statesman need to receive sustained attention.

The criticism against the anti-slavery activity of the remnant of Federalists in general, and King in particular, during the Missouri debates of 1819-1821 falls into three groups. The first says King, as the leader of the Federalists, used the debates to attempt to revive the status of the party and gain control of the government and had only minimal moral weight.[14] This interpretation became less convincing after the work of Shaw Livermore, Jr. in *Twilight of American Federalism*. In addition, primary evidence demonstrates King believed the Federalist Party to be dead.[15] The second group claims the credit given to Federalist anti-slavery, in general, is overplayed and that Northern Republicans did the majority of the work during the Missouri Controversy.[16] This chapter will argue that King's anti-slavery motivations were genuine, but it will not challenge the importance to Northern Republicans to the anti-slavery coalition of 1819-1820. The third group has a more subtle argument, claiming that King, and the Federalists in general, had some humanitarian intentions during the Missouri debates, but that his primary goals were political.[17] This chapter will argue that King's political arguments matter, but that they should not diminish the authenticity of King's moral fervor. It will demonstrate that his earnestness against slavery had a shocking zeal that historians have overlooked.

This chapter will also argue against recent interpretations that the Constitution is best understood as a document supporting slavery.[18] King was an early supporter of the idea of the national status of freedom and he viewed slavery as a local condition. He took state level anti-slavery arguments from the North and applied them to the federal level in the territories, which

startled Southern slaveholders.[19] King made this regulatory argument in the territories from his Massachusetts and New York background.[20] He argued that sovereignty was more than just the power to control a nation's lands and restrict slavery; it involved the regulation of rights in those lands as well. King drew upon a common law tradition of the well-regulated society, which allowed one group to intervene and halt the efforts of another group if rights or property were being used dangerously.

King was serious about moral anti-slavery during the debates, and by examining his books and notes, we can get a better understanding of those moral politics through his reading of the higher law. This was not an abstract notion to King, who believed the law of nature and the law of nations were embedded in all American law, making morality and law one and the same.[21] The linkage of morality and law gave King's arguments great force, especially when the full context of his speeches is understood. What he argued for was an early version of "Freedom National, Slavery Sectional," the anti-slavery slogan of the Republican Party in the 1850s.[22] This mantra embodied the idea of the containment of slavery in order to slowly choke it from existence. By drawing lines slavery could not cross, slavery would slowly wither away and the South would be able to manage its extinction without extensive violence. In 1820, King proclaimed that "these principles [the cordoning off of slavery from certain regions] had been affirmed in the case of Sommerset [sic] in England, and that similar judicial decisions had been made in Massachusetts, and I think in some other northern state."[23] This "other northern state" was probably New Hampshire, whose constitution mirrored the natural rights language of Massachusetts' constitution. King understood the extension of slavery into Missouri as a violation of the Constitutional pact of 1787; a contract designed to contain slavery in order for it to eventually be dismantled.

Summary of the 1820 Speech

King's preparations for the speech were fast and intense. He arrived at the session late on January 25, 1820 due to political maneuvering in Albany, which sidetracked his reelection. The next day Senator William Smith of South Carolina gave the most radical pro-slavery speech of the Missouri debates. King probably heard the speech and realized the rhetoric of the session would be much more strident, which led him to think about voicing arguments he only hinted at in 1819.[24] His research and preparations strategy was reflected in the advice he gave to his son Edward, a budding lawyer in Ohio.

> [H]owever trifling the case may be in which you may be engaged, make yourself fully master of the Facts, and be well prepared … learn to distinguish the Strong point in your Case, and instead of being defensive, acquire the habit of concentration, and of sizing the true and strong point, and of treating it boldly, and in some measure with a sort of defiance – this method of debate is very imposing, has much Effect.[25]

To prepare in this detailed manner, King could have borrowed the books from fellow legislators or travelled to the Library of Congress to read them. While it seems unlikely that King directly read the citations from his existing notes to the Senate, at the very least the themes they embodied were incorporated into his oratory. These themes included the need for a utilitarian, Christian-based common good, the protection of rights and property, the need to err on the side of liberty in any ambiguous situation, and a vision of the Constitution as a treaty.

In 1819, King laid out his constitutional arguments for the restriction of slavery and stated he was deliberately avoiding natural law arguments. He focused on Article Four, Section Three, of the Constitution to demonstrate Congress had the power to demand regulations, including the restriction of slavery, in new territories seeking admission to the Union. By

February 1820, King saw the debate in a new light. His adversaries no longer felt restraint, so he asked, "ought I not in the midst of peril to make an unwitting Effort for Safety[?]"[26]

King began his February 11 speech by noting Congress had a constitutional right to settle issues relating to admission of new states, including slavery.[27] Turning to a copy of *The Federalist* essays, specifically number eighteen, King confirmed that proof of this precedent can be found [i]n other Confederacies, or Acts of Union, [where] Conditions have been imposed on the admission of New States – the Helvetic & Dutch Leagues – the Achæan League admiss[ion] of Sparta[,] Union of Eng. & Scotland & Ireland."[28] In further defense of the point, King said the federal government had an obligation to consider the conditions of states trying to join the Union. Congress would demand that any foreign state that wanted to join the Union, be it Nova Scotia, Cuba, or Florida, abolish an Inquisition, torture, or an established church, and if it could regulate in those instances, it could do so with slavery.[29] These instances of regulation "wd add to the Power and Resources & freedom of the Confederacy."[30]

Afterward, King's speech became more confrontational. He said Southern claims that Congressional regulations degraded Missouri's rights were outrageous. In reality, King said, by allowing Missouri to enter the Union without regulations, the political rights of freemen would be impaired. If slavery was allowed to expand, King said, the North would have to pay more taxes, support a larger military establishment, and eventually fight a war to resolve the contradiction at the heart of the American republic. Without restrictions in Missouri, freemen would be placed on par with slaves. King then noted that the law of nature denied the rights that Missouri claimed. The law of nature was ancient, binding to all, and emanated from divine authority. It also included nations and was the means through which compacts of nations were cemented and interpreted, King claimed.[31]

King knew what he was saying was radical, and he tried to qualify what he meant by invoking the law of nature and nations. He claimed that Congress could not interfere with slavery where it already existed because of the law of nations. In his speech-notes, King summarized Emerich de Vattel's description of the necessary law of nations and used this to illustrate the relationship of the states to the federal government.[32] The states that existed were their own sovereigns, and the federal government was like a neutral nation that could not interfere with that sovereignty and this kept Washington D.C. from acting against slavery where it existed. But it was as if Missouri existed in a state of nature before government and this gave the federal government the right to regulate it. Since the law of nature rejects the notion of slavery, and no power to institute slavery could be found in the Constitution, King said Missouri had no legal means of instituting it. Ultimately, King felt the the Union would survive, but by asserting rights that had no basis, King said the South had incorporated, "in our brotherhood a quality of [a] poisonous nature."[33] King's notes show that he viewed the Missouri Controversy through the lens of international law and treaties. This aspect of the treaty is what made it so radical.

Reading the Constitution as a Treaty

An essential factor to understand King's comments on the importance of the law of nature involves his interpretation of the Constitution as a treaty. The American nation was founded under the Articles of Confederation, which was a treaty of alliance between the states, and as Eliga H. Gould explains, "Americans sometimes described the Constitution that replaced it in 1789 as having elements of both a treaty and a national government."[34] Treaties were part of the law of nations, and King equated the law of nations with the law of nature. By connecting the Constitution to higher law in this way, King was able to argue the law had to abide by

elevated moral standards. In his speech, King said, "[w]e must therefore apply to nations the Rules of the Law of Nature – and this Law is the foundation of the Law of Nations – It is by this Law that we distinguish lawful Conventions or Treaties from those which are not so."[35] King also noted that, "[t]he constitution must be reasonable and in furtherance of the Objects of the Treaty – to be incorporated into the Union [a territory] must be in order to promote & advance its objects."[36] In King's understanding of the Constitutional treaty, he saw the two contractual parties as a North that leaned toward freedom and a South that promoted an odious form of property through slavery.[37] The treaty created the Union and its stipulations allowed slavery to exist in local positive law, but confined the institution to the original boundaries of the nation.

King thought the treaty agreement between the North and South signed was fair, especially since it would provide for an eventual end of slavery by confining it to where it already existed. As a free trade advocate, King believed that denying any market growth would destroy it, and by confining the market of slaves, the South would eventually be forced to dismantle the institutions because of its inefficiencies. King claimed he never deviated from the terms of the treaty and did not condemn Southern territories inside the 1783 borders from joining the union as slave states, but territories from the Louisiana Purchase were a new matter. King simply noted Congress had the duty to "accommodate them [territories from outside the original borders seeking admission into the Union] all to the one standard [a republican form of government]. by one[,] two, three & four or any other number of conditions."[38] Previous slave states did not require conditions, because they were included in the stipulations of the Constitutional treaty. But Missouri was different and required conditions in order to preserve the pact.

King's reading shows he fully believed in the contract embedded in the Constitution. His commonplace book records King's improvised excerpt from Edmund Burke's *A Letter to the Sheriffs of Bristol*. He observed that

> Gov^{t}. sh^{d} be accommodated to y^{e}. known opinions and Sentiments of y^{e} People – if under y^{e} Same Gov. States or classes of men of different Notions, or pursuits sh^{d}. be fit and their Polity ought to be diversified accordingly. instead of unity of Gov^{t}. and identity of measures, we sh^{d}. in all soberness, endeavour to conform the Laws to y^{e}. Character, & Circumstances of the several People, who confess the great and strangely diversified map – One method will not suit the whole Union, the Virginians and the New Englanders cannot be ordered in y^{e} same manner – Gov^{t}. is a practical thing, made of the Happiness of Mankind, and not to furnish out a Spectacle of Uniformity, to gratify the Schemes of visionary Politicians[39]

It was this line of thinking that allowed King to acquiesce to slavery in the territory of the United States when the nation ratified the Constitution. King made it clear that under the Constitution each state had the power to enact positive law in its own jurisdiction, and that included the power to institute slavery, but he was unwilling to be so generous to new states beyond the 1783 boundaries. Since the federal government admitted states and the Constitution did not give the federal government power to institute slavery, King said there was no legal means to establish slavery beyond the original borders. The federal Union always tilted toward freedom and never had, nor could it acquire, the power of positive law to create slavery, a point he highlighted by writing "☞ Precedent not necessary to establish the Right to Freedom" beneath the Burke extract.[40] The general right of freedom still existed despite temporary local laws that allowed slavery to exist in certain regions. It always existed despite compromises that might be made in man-made law, King said.

In their attempt to challenge the general right of freedom by extending slavery into regions the treaty agreement denied it could go the South would corrupt the rights and property

of freedmen that the Constitution promoted. It was a common law tradition that when a person or group used rights or property in objectionable ways, they could be challenged. King said the threat of slavery's expansion gave Northern supporters of liberty the vindication to confront the South in a just war. When this context is considered, the radical nature of King's speeches becomes apparent.

King felt the South was putting their own section interests ahead of society and the nation, which was contrary to natural law, when they endeavored to dissolve the treaty. Under seventeenth and eighteenth century notions of natural law, national preservation was a a pre-requisite for self-preservation, which made security of the state an important issue to all subjects or citizens. Slavery created pockets of resistance inside the state and this threatened security. This is was why princes removed slavery from the metropoles of Western Europe in the sixteenth century and only allowed the institution to remain in the colonial zone of the New World. America was different, since it was saddled with slavery inside its own borders at its founding, but far-thinking statesmen like King adapted the "freedom principle" and the concept of "zones of law," and tried to isolate the threat to the community.[41]

While the term "freedom principle" is a label created by twentieth-century historians, King was aware of the ideas the concept embodies and understood them as the basis of the most innovative form of political and legal anti-slavery of his time. King would have understood, "the notion that simply setting foot on a particular territory was enough to confer freedom on a slave."[42] In America, though, the notion was never as simple as a slave crossing a boundary and becoming free. Fugitive slave laws were effective and the *Dred Scott* decision of 1857 was a repudiation of this idea. But what King emphasized was the line the institution itself could not

cross. Individual runaways could be returned without violating his larger philosophy, but the expansion of slavery across the original borders of the United States was problematic.[43]

Roughly the first half of King's February 11, 1820 speech summarized the positive law arguments he made in 1819, but his tone changed and his rhetoric became caustic and ironic. He began by mocking the slaveholders for claiming "[i]t is humiliating to renounce the right of making man a slave."[44] King's reading notes show how foolish he felt such proclamations to be. Reading an edition of William Blackstone's *Commentaries on the Law of England* that was edited by the jurist Edward Christian, King indicated that "[t]he Speech of the Constitution [is] Freedom[,] Equality &c."[45] Beyond the fundamental law of constitutions, King recorded a comment made in a footnote written by Christian, who said that statute law also had to err on the side of freedom, "and thus in our Construction of penal Law all ambiguities in wh. are construed on the side of Liberty & mercy." From the same footnote, King also made notes on Christian's reference to ancient doctrines in order to reveal the long history of the law's preference for freedom in ambiguous situations, recording "[i]t was one of the Law of the XII tables of Rome, that whenever there was a question between Liberty & Slavery, the presumptions sh^{d}. be on the side of Liberty."[46] The Law of the Twelve Tables was a set of general guidelines upon which Roman laws of the Republican era rested. These notes demonstrate King understood the American Constitution as an extension of this generous form of justice and that the situation of Missouri, which brought up "a question between Liberty & Slavery," required an answer in support of freedom.

In his speech, King argued the treaty embedded in the Constitution was being challenged by slavery, which created a state of war inside the nation. In this conflict, King turned to the laws of war, a branch of the law of nations. In his reading notes for the Missouri speech, under

the heading "War," King copied Blackstone's comment that, "[w]ar is justifiable only on [the] Principle of self Preservation."[47] By citing this point, King made it clear he thought of his attacks on slavery as a form of just war in defense of the very legitimacy and existence of the nation itself. In the face of such a challenge, King claimed this unacceptable challenge to the Constitutional treaty could be opposed with all the might that the defenders of freedom could summon.

King expanded on this idea through his reading of Grotius' *On the Law of War and Peace*, which he read in conjunction with Blackstone. Grotius argued that war does not have to mean force or apparent violence. It could be "a state of affairs; so that war is the state of contending parties." When King used of the term "war," he was stating that the North and South had differences, not describing or advocating literal combat. But in a state of war, law could be used in radical ways to end slavery, which startled the South. Ending this state of warfare, which undermined the unity promoted by peace, was a primary goal of King's speeches against slavery's extension in 1819-1820. Without unity, America could not project the strength necessary to stay legitimate as a nation among nations.[48]

King obviously wanted the freemen of the North to achieve victory in this state of war, and he believed they would do so by exercising their rights. King's notes specify Grotius' description of rights, which derived from "a moral quantity annexed to the person, justly instilling him to possess some partic. privilege, as to perform some part^{r}. Act."[49] In this definition, rights had to be used as a tool to fulfill the strictures of the law of nature. After referencing Grotius' belief that rights required men to act for the moral good, King's notes went on to cite the Dutch jurist's conclusion that rights are also "a power, wh[ich] we have over ourselves call[ed] Liberty, also over property – also the power to demand what is due to us."[50]

That demand, in this instance, was the containment of slavery under the treaty agreement of the Constitution. When the South used its natural property rights in an odious fashion, the North had the authority to resort to just war to demand its right to liberty be preserved. King found further support for this in Grotius, who noted, "[p]erfect Right may be assisted by force, imperfect Right without the power to enforce."[51] A perfect right carried with it the power to compel those who failed to fulfill its obligations, and King claimed he was justified in calling for the prosecution of a just war against Southern slaveholders because, "favorable treaties are such as are Equal & which relates to the pub[lic] good. those in favor of Peace not war, defensive not offensive." With the extension of slavery into Missouri, the agreement was now unequal, promoted war, and demonstrated the South's offensive nature, and King's notes drew upon Grotius's notion that "[o]dious are such Treaties as lay greater burthens on one than the other party."[52] If Missouri was allowed to enter the Union as a slave state, the treaty embedded in the Constitution would be dissolved, providing the South greater future advantages by allowing slavery to continue to thrive at the expense of a majority of the freemen of the North. King used the law of nature to describe the state of war that slavery represented, to demonstrate that rights had to be used as a weapon to combat the institution, and justify the use of those weapons in any confrontation with the slaveholders.

His reading of Thomas Rutherforth backs up this assertion. King used a pointing fist in the second volume of *Institutes of Natural Law* to draw attention to the "known principle of natural law, that, where there is no right on one part, there is no obligation on the other part. The people therefore are not in subjection to any force, which is made use of by the civil governors for these purposes, or are not obliged passively to submit to such force."[53] Read in this context, King argued that the North did not have to submit to a force that was blatantly at odds with the

deal signed in 1787. In light of this, the North was not obliged to accept the actions in a compliant manner. The changes to the American system proposed by the extension of slavery in Missouri would lead to terrible consequences, King argued, as "Nations too are Subject to this Law [the law of nature], and for their disregard of it are … destroyed."[54] By forcibly expanding slavery, they forfeited their right to forbearance from the free states and threatened America's status as a treaty-worthy nation among nations.

Reading Classical History and Moral Politics

Speaking in such a confrontational tone was out of character for the usually moderate King. It is quite clear that he weighed the repercussions of provoking the South with the heavy consequences of inaction and decided to speak with vigor against Missouri. It is possible to understand how King came to this conclusion by examining his commonplace book, which contains detailed notes on his reading of classical history. King looked to the history of ancient Greece in the same manner that he turned to Edward Gibbon. While he was London he was trying to decipher the French Revolution and the changing place of America's place in the world it created, and in 1820 he read Greek history to understand the momentous state of affairs caused by the attempt to extend slavery to Missouri.

King's reading of the works of the Greek orator Demosthenes, which he owned in French, helped illustrate his understanding of America's critical situation. Under the heading "Le Deshonneur" (Dishonor) King copied, "Qu'attendez-vous? un Eveniment, la nécessité? mais la plus pressante nécessité que je connaise pour des Hommes libris c'est le Deshonneur."[55] This translates as "What are you waiting for? an event, the necessity? but the more pressing need that I know of for the free man is dishonor." This is a short snippet taken from a longer section of

text that dealt with Demosthenes' excoriation of the Athenians for failing to fulfill their duties to the state. King wrote this with America in mind as it contemplated extending slavery

> What are you waiting for,— an event? necessity? But what other understanding can you have of what is passing before our eyes? As for me, I know of no more pressing necessity for free men than dishonor. Tell me, will you always go to and fro on the public square, asking each other 'What is the news?' Ah! what news could be greater than that a Macedonian is the conqueror of Athens, and the ruler of Greece? 'Is Philip dead? No, he is sick.' What difference is it to you whether he is dead or sick? If any misfortune has befallen him, you will very soon make another Philip, with the vigilance which you now use in your affairs.[56]

King identified himself with Demosthenes and the expansive nature of slavery with Philip II of Macedonia's expansion. King was trying to warn the American people about the threat of slavery's expansion, just like Demosthenes was trying to warn an unreceptive Athenian public to the dangers massing outside their city. In a fatalistic moment, King recorded under the heading "Demosthenes" that "After his death, the Athenians erected a Statue to him with this Inscription – "Si tu avais au, Demosthine, autant de bravoure que tu avais d'intelligence, les armes de Macedoine n'ecussent jamais triomphé de la Grece," which translates as, "if thy powers, oh, Demosthenes, had been equal to thy genius, the Macedonian armies would never have triumphed over Greece." This comment indicates King's feeling of impotence in the face of the solid Southern phalanx that pushed beyond the original borders and destroyed the Constitutional treaty.[57]

King used his reading of the classics to find anti-slavery arguments as well. In his commonplace book under the heading "Aristotle" he wrote "By his will ordered that none of his Slaves sh^{d}. be sold but emancipated, according to his will, or as soon as they sh^{d}. appear worthy of Liberty, and in his Politicks he says slaves sh^{d}. be freed when ever they merit freedom & are qualified to enjoy it."[58] This fits with King's exact argument in Missouri – slavery does not need

to end immediately, but efforts must be made to extinguish the institution and prepare the individuals suffering under it to emerge into civil society. It is another example of King reading history with the present in mind.

He further expands upon the evils of nineteenth century slavery from notes taken on his reading of William Mitford's *The History of Greece*.[59] King's commonplace book contains notes on Lycurgus, the possibly fictional hero-lawgiver of Sparta who saved the nation and provided strong leadership in seventh century B.C.E. Sparta's evils were extensive because of the growth of faction and the abuse of slaves, according to Mitford, and in a similar vein America had to avoid those same hazards according to King's selective reading of the text. King ultimately identified himself with Lycurgus – as someone who was willing to defend the nation in trying circumstances.

The primary cause of the difficulties in Sparta, King recorded in his notes, was the unequal division of property. King went to say that Athens had the same dilemma, which "seems to have had [its] origin, chiefly in the Institution of <u>domestic Slavery</u>."[60] In this situation the poor had few opportunities for employment and were degraded to the level of slaves, forcing them to borrow at extraordinary interest. In order to regulate this flawed version of society, Athens created strict laws to defend creditors from debtors and "added a power not normally intended by the Constitution, yet derived from the Laws, and confirmed by them."[61] This resembles the odd place slavery had in the American republic. Higher law did not sanction it, but the framers of the Constitution made compromises by indirectly referencing slavery in the final document to preserve the Union. Because of these references to slavery in the Constitution, King said "[s]outhern States came in to enjoy Slavery [but] in spirit it [the Constitution] operates to destroy Slavery … [and the] direct Effect [is] universal Emancipation, as no act of Slavery is

valid." In other words, slavery was altering the very fabric of the Constitution through the nefarious means of local positive law, but King believed the Constitution would eventually correct this flaw.

In addition, King acknowledged a fear that slavery was creating similar discrepancies in wealth that could undermine the Union. If Southerners continued to carry their slaves further and further west, their economic clout would only grow and they would eventually dominate the nation. The irony is King, a member of a Federalist Party usually derided for its conservative stance toward wealth, demonstrated a commitment to a more level society where men are not too rich or too poor.[62] In Athens, the situation had deteriorated to such an extent that "an individual debtor became a Slave to his Creditor; & not himself only his wife & Children also, if less wd not answer the Debt."[63] While King was not concerned about poor white laborers devolving into slaves, he was concerned that political rights would be degraded so much that the entire North would become like slaves. In Athens, slavery interfered with the balance of society and upset the security of the state, and King worried that similar inequalities of wealth created through the extension of slavery would destroy the order so essential to the nation's existence.

King was very clear who was to blame for the threat to order in America: the oligarchical rulers from Virginia.[64] In his 1819 speeches, King obliquely attacked Virginia for its stance on slavery, citing William Stith's *The History of the First Discovery and Settlement of Virginia* to reference the Old Dominion's introduction of the institution to America.[65] In his notes, King recorded "1620. The Dutch first carried to Virginia a large Cargo of Negroes, and the Virginians who emigrated for freedom, first reduced their fellow man to a state of Slavery."[66] This language is much harsher than the published version of the speech, which simply stated, "a cargo of negroes was brought into," the colony. King's notes show he was thinking about Virginia's

perversion of their original mission. Tellingly, in the published version of his speech, King contrasted the introduction of slavery into Virginia in 1620, "the same year in which the first settlement was made in the old colony of Plymouth," where freedom was to flourish.[67]

He continued his comparison of a flawed Virginian society with its Northern counterparts though his reading of George Chalmers' *Political Annals of the Present United Colonies*. Unlike Plymouth, which focused on family settlements, the leaders of early seventeenth century Virginia could not draw women to the colony, and "in order to settle the minds of the Colonists, and to induce them to make Virginia their Place of Rest & Continuance" the royally-chartered company that ran the colony had to "import one hundred maids as wives for them." Chalmers reported, and King noted, that a barter system for these women soon developed and in a perverted fashion a law was passed, "that the Price of a wife shall have precedence of all other Debts in recovery & Payment, because this merchandise of all others was deemed the most desirable."[68] This culture pervaded Virginia and rotted its moral core, King claimed.

In his 1819 pamphlet, King noted that Virginia deserved credit for eliminating slave imports in 1778, but that the laws and customs around slavery eroded their society so much that they "must have had their influence on the opinions and habits of the citizens, which ought not to be disregarded on the present occasion."[69] Reading further into Chalmers' text, King expressed his concern that the long history of slaveholding in the South would prevent the region's residence from making moral choices.

King intervened at a point in the Chalmers book where Charles II was forced to issue a direct order to North Carolina to halt privateers from leaving its ports during Louis XIV's wars of the late seventeenth century. Charles was trying to give a check to enterprises contrary to the law of nature and preserve English neutrality. King made a marginal note, which was

subsequently cropped, expressing, "[ol]d Habits not [easi]ly relinquished."[70] Slavery was the oldest of habits and one that was starting to corrode the rest of the republic in King's mind. Dealing with it in 1819-1820 was imperative in his mind.

In his notes, King said it was not hard to see why so many slaves existed in the ancient world. Originally, soldiers captured in battle would be put to death, as there was not enough subsistence to keep them alive. As society advanced and grew richer, war captives were kept alive and turned into slaves to do the work for society. And in a brilliant move mocking Southern Republicans, King pointed to Aristotle's *Politics* to challenge the defenders of slavery.

King commented that democracy was not such an "absurd a mode of Gov^{t}" in ancient Greece since only ten percent of the population were considered citizens and "it follows that Slavery is necessary in a Democracy." In Sparta, all freemen had to be gentlemen and they disdained the mechanical arts and agricultural work, creating a society that was absurd as a result. In a similar vein, by persecuting the white free laborer and denying opportunity for all, a small group of Southern aristocrats were keeping the rest of the country from improving and creating a balanced polity. In King's mind he was not an aristocrat that caused problems, it was the Southern slaveholder who distorted society in such extreme ways through property in man that the nation was becoming a caricature of itself. Like the haughty aristocrats of Sparta, the Southern slaveholders did not operate for the common good and the rights of all, but for, "the Love of Praise, and the Fear of Shame were the chief motives to the performance of Duty."[71]

King seems to be comparing the glory of Lycurgus's rule in Sparta and the bounty his laws brought to the city-state with the foundation of the American republic. Mitford recorded and King copied "☞ for the preserving of civil (Liberty) Freedom, and political Concord within the State, and securing it ag^{t}. for[eign] violence from without, the Institutions of Lycurgus were

more than human wisdom." America too had created strong institutions through the Constitution in support of freedom and peace. But the Spartans had one fatal flaw, King recorded, and that was their ferocity engendered by slavery. They isolated and terrorized the helot slaves and the path to power and prestige in Spartan society involved stalking and killing them.[72] This sort of tyranny engendered by slavery in Sparta represented a lack of civilization that King hoped to avoid in America. King viewed himself as a Lycurgus-type figure "recalled from his travels to compose the Faction wh. washed Laudomon. [Sparta] his approved Integrity, unmistaken Courage, extensive Genius, popular manners, and the power which above all others he possessed of commanding the minds of Men, turned towards him the public attention." If this is the case, we can gather from his reading that King thought of himself as doing nothing less than saving the Union from slavery.[73]

Protecting this American society was the essential argument King was making in 1820, as slavery would undercut the ability of men to live together in peace perpetuated by the network of free trade he defended after the War of 1812. If Missouri joined the Union with slavery it would extend "that form of society … which establishes two distant orders of Men. a base and a privileged Order; the Effects of wh I have neither heart or motive to speak of."[74] This separation of men would lead to a destruction of sociability, which was essential to good government, civilization, and formed the basis of natural law. King argued that letting Louisiana join the Union allowed a minority to suddenly become a majority and that this "power is second only to that which is obtained by the Sword." If Missouri came in this way, it would make this violent theft of power that much worse. He said the situation in Missouri was analogous to a "Revolution," but the American Revolution was fought to protect our money from unlawful

taxation, "in the proposed Revolution [allowing slavery into Missouri], money & freedom are at risk."[75]

If the violence of slavery were allowed to continue unabated in America, King feared that its ordered society would be destroyed. King believed the social nature of man was rooted in the moral nature of natural law and the law of nations. This meant that man willingly joined together to form a government to promote the common good and encourage civilization. In his commonplace book, King cited St. Paul in defense of society, quoting that he was "not seeking my own advantage, but that of the many."[76] King's speech-notes also referred to the golden rule, demanding that his audience think about "the eternal, immediate Law of doing as we wd. be done by – whether you ought … to enlarge your Estate, to extend that Form of Society … which establishes two distinct order of Men. a base and a privileged Order; the Effects of wh[ich] I have neither heart or motive to speak of."[77] For any community to not just survive, but also improve, unity was essential. King feared the extension of slavery would not only continue the subjugation of the blacks by whites, but would create an ignoble class of free men in the North and a wealthy rank of slaveholders in the South, who would take the nation away from the containment plan at the center of the freedom principle. While King never thought the unity of the North and South as a nation of freedom was imminent, he believed it would never transpire if slavery was allowed to extend into Missouri.

Reading Justinian

King ended his speech by quoting Justinian, "omnes homines liberi nascebantur," or "all men were born free." At least one observer stated, "[t]his was bold doctrine for the ears of the slave holders."[78] This line came from Book One, Title Five, of Justinian's *Institutes*. Along with the *Digest* and the *Codex*, the *Institutes* comprise the *Corpus Iuris Civilis* (Body of Civil Law), a

compilation and simplification of Roman law that was completed in 534. King's commonplace book has material from Book One, Titles One through Five of the *Institutes*, which describes the status of slaves and freemen and their relation to the law. There were two seventeenth century editions of the *Corpus* in King's own library, but finding a copy in Washington would not have been difficult.[79] In fact, the material King cited in his notes was fundamental to slave law, and he would have been familiar with it for decades.

But citing Justinian was problematic for many reasons. Most importantly, Justinian sanctioned slavery through the law of nations.[80] William Pinkney, the Maryland Senator and former Attorney General who gave the spirited response to King's February 11 speech, rightfully noted the contradiction of citing an authority from a slaveholding empire to attack slavery.[81] But the extracts in King's commonplace book cite the exact material Pinckney used to attack him. He was clearly versed in the contradictions of Justinian, so why did he use what seems like such a problematic source?[82]

The answer can be found in King's connection of Justinian to the Declaration of Independence in his speech-notes.[83] Ninian Edwards did not take notes on the very end of King's speech and did not mention his use of Justinian, but if King's notes can be taken for what he said on the Senate floor, he really ended the speech by referencing the Declaration of Independence. King explicitly linked the ancient universal law with Thomas Jefferson's modern rendition of natural rights in the Declaration, in which, "[e]very man [is] born equal & is naturally entitled to life[,] Liberty, and the free pursuit of happiness," to end his speech in a powerful fashion. Directly beneath King's citation of the Declaration, King wrote two short quotes from the *Institutes*, "Jus naturale ist [sic], quod natura Omnia animalia docuit," ("Natural law is that which nature teaches to all animals") and "Jure enim naturali, omnes Homines ab

initio liberi nascebantur" ("by the law of nature all men from the beginning were born free").[84] King equated Justinian with Jefferson's soaring rhetoric of 1776, in effect saying that natural law was so incontrovertible that all animals, not just humans, were bound by its proclamation that all men were born free. But King noted that the historical connections went deeper though.

King often thought of America as the latest in a line of historical participants that were trying to create a moral world that was freer, more just, and equitable. For example, America followed the lead of the Dutch and English for free trade, but America was now the latest contributor in the campaign to expand liberty. But King noted that America was at the vanguard of a fight against slavery that had a longer historical lineage than the struggle for free trade. Natural law was given by God and "[t]he moral Code, so beautifully displayed by the ancients, and particularly by Plato & Tully" was systematized by Justinian.[85] The struggle for liberty was carried forward by the English, whose

> Efforts, made thro a succession of ages to establish the natural Rights of the People – The great Charter [Magna Carta], with its Supplements & Confirmation, the petition & Bill of Rights [1688] the writ of habeau Corpus, & the act of Settlement [1701], made the Cond. on wh. the Pr. of Orange was admitted & rec^{d}. as King, are the acts wh. we immitated [sic].[86]

King's notes then proclaimed that the imitation he hinted at included the Declaration of Independence and the Constitution, which were the latest manifestations of this historical movement toward freedom.[87]

By invoking this general historical trend toward freedom, King resolved the contradiction in Justinian as well as the inconsistency in the Constitution. King was clear that slavery made its way into positive law through the fault of man, not God or the law of nature. This flaw in the man-made law could not be removed quickly and it was accommodated to preserve civil society. But as long as progress toward liberty was assured, slavery could be managed. King could have

pointed to the *Somerset* case as an example of that general trend. He explicitly stated America moved toward liberty in 1776 and while, "[t]he Enumerations of these Rights [natural rights], in the Decon of Indep. is not to be regarded as a law, recognized by certain States, but [they] may be understood as the Expression of the Hope, that the Time would come when they w^{d}. be adopted and allowed by all the states."[88] What gave him that hope was the treaty embedded in the Constitution that provided a long-term plan to eliminate slavery without violence. If the South extended slavery and created a state of war then this general trend toward liberty, which began with the Twelve Tables of Rome, would be thwarted. Slavery's extension into Missouri was not a small political event in King's mind; it was an event that would derail liberty's trajectory in history. King thought the Declaration and Constitution were mankind's best hope for freedom and by extending slavery into new territories Southerners would obstruct that goal. King's speech was so radical and fervent because of the consequences for mankind, not just America.

Ambiguous Solutions to the Problem of Slavery

Ultimately, King had no real plan to integrate slaves into American society. His containment strategy under an American freedom principle was amorphous and he never explained how long it might take to work. Even small steps in his lifetime were beyond King's ken. Receiving an anonymous letter signed "Humanitas," a month after his February 1820 speech, King was told that free blacks were a great evil in a society of whites. Humanitas argued that no free black over the age fifteen should be allowed to reside in the District of Columbia and those that are given such permission should be under control of the Colonization Society to be educated and sent to Africa. Even this small step to abolish slavery in the nation's capital worried King and he docketed the letter saying "I shall take no measures on this Project."[89]

He did half-heartedly recommend a plan during his February 11 speech, but later admitted it would be impossible to implement. He premised his discussion of the plan by saying the idea of the diffusion of slaves to ameliorate their plight was a fool's errand. Their numbers would only increase and no time should be wasted in trying to improve their condition. King suggested the first step should be the removal of the property status of the slaves and burdening them with a labor status instead. To do this, slaves should be tied to the land they were living on and owners should be forbidden to sell them without selling the land they cultivated. This would make them "villains regardant."[90] This feudal system, which resembled serfdom, could have been found in a number of medieval history books or the legal works of Sir Edward Coke or Blackstone. By these means these quasi-slaves "will be enabled to form permanent connections, to cultivate social affections, to take an interest in every thing around them, and they will become improved in their mental and moral faculties – After they shall be thus improved."[91] While historians usually decry such gradualism, it is quite shocking that King, who believed private property was the basis of society, could advocate such a radical change in status for a large portion of the nation's property.

While the former slaves were improving, King wanted a reformed and revamped American Colonization Society to find better management and return the freedmen to Africa. The scheme is laughable in its complexity and wishful in its thinking, and King knew it.[92] He never approved of colonization and was known to have laughed when he first heard of the organization of such a society to promote it.[93] That being said, it demonstrates an inability to imagine a solution to such a deep-seated problem in American life. It demonstrates the limits books and reading have. King could use older legal texts to argue that slavery was wrong in the

abstract, but they could not help him come up with any concrete solutions to the Gordian knot of slavery.

Conclusion

We can see that King understood the politics of the zones of freedom long before they came to the fore in the Republican Party of the 1850s. King admitted as much in an exchange of letters with the former Senator Robert H. Goldsborough. After the finalization of the Missouri Compromise, the Marylander told King that the Northern and Eastern sections of the country had to give up their animosity and unite with Ohio, Indiana, and Illinois as well as Delaware. Maryland will have to join that bloc and "they will be very formidable and will in all probability rule the destiny of this country until the Day of Disunion."[94] King replied that he could not be more explicit "than to say you have correctly understood and expressed my political principles and opinions."[95] He would prove he was willing to fight for this when Illinois threatened to overturn the Northwest Ordinance's slavery restriction in an 1823 vote to alter the state constitution to allow slavery.

Edward Coles, the former secretary to James Madison and neighbor to Thomas Jefferson, freed his slaves upon moving to Illinois in 1819 and became governor of the state in 1822. Once sworn in, he began an effort to explicitly end slavery and revise the discriminatory Black Codes that harshly regulated the African-American population of the state. This led to a backlash from the legislature, which passed a bill calling for a referendum to hold a constitutional convention in order to give more space to slavery. King was shocked to see this full frontal assault on the freedom principle taking place and was very clear about this anger.[96]

With disgust, King noted that all the high-flying rhetoric of honor and justice were for naught if the nation's leaders did not let their "actions correspond with our discourse. The

project of Illinois is the most barefaced and infamous, that has ever disgraced any part of the United States, and if it prevails, the Spirit and principles of freedom on in this country are dead."[97] King refused to let the wall he worked so hard to create in 1786 fall. He was even more explicit in a set of notes prepared in 1823. King called it a recapitulation of the "Missouri Plot." Since Illinois was part of the original pact of the Northwest Ordinance carried over with the Constitution, its status as a free or slave state had federal repercussions. King said even "tho Slavery has been tolerated, it is and always has been competent for every Citizen to keep watch over the lines of separation between Freedom & Slavery and with Decision to protect the former against the approach & violation of the latter." Metaphysical reasoning "will avail nothing to obtain for Slavery an Entry into the Domains of Freedom." King scoffed at talk of disunion and claimed freedom was more important "and will not be comprised to the base fear of an Evil wh. Freedom can prevent."[98] Ultimately, an eighteen-month campaign spearheaded by Coles, led to the referendum's defeat and a rehabilitation of the Freedom Principle in the old Northwest, but King continued to fear for its preservation.

King's use of the higher law allowed him to see the Constitution as a treaty that had been violated by the South. The extension of an odious form of property would corrode other forms of property and the rights of freemen and had to be stopped. King understood the South as breaking the treaty agreement of the Constitution, which allowed the freemen of the North to respond through a just war. This did not mean literal combat, but a state of war, which would give the Northern freemen the ability to use law in new ways to confront and confine slavery. By the means of containing slavery, cutting off its access to markets, and slowly integrating slaves into society, King felt he could force the South to deal with its ties to slavery on its own without the terrible social upheaval or destruction of rights he feared. King's plan would not

destroy property rights, which he was greatly concerned about. King worried that taking slave property away with the power of the federal government would threaten all rights. What he advocated was the need to force the South to confront slavery on its own, which would be done by the North using the moral strength of the law to cordon slavery. It was a radical and hopeful argument that attempted to avoid actual war and the destruction of rights.

While it is easy to denigrate King for promoting such gradualism, it was designed as a way to remove the state of war that slavery represented and achieve peace without overthrowing the social order. King offered the nation a way out of slavery that could have avoided the hundreds of thousands of deaths in the Civil War if the political will could have been mustered to keep slavery out of the territories. It is this vision Abraham Lincoln promoted in the face of Southern intransigence, and one he would be unable to uphold without the force of arms. But the legal vision of using the laws of war and nations to undermine slavery would be used by Lincoln in 1862, and one strand of that thought can be traced back to King's stand in Missouri.[99]

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[1] RK Papers, N-YHS, Vol. 101 (hereafter cited as Vol. 101). This entry can be found under the heading "Freedom of Speech." This commonplace book can be dated from two separate periods. The earlier section of the book contains material from 1819 to mid-1820. RK pasted a newspaper clipping on the House of Lords and Foreign Trade from July 1820. There are tipped in pages as well, one of which appears to deal with militia issues from the early part of the War of 1812 and another page that contains notes on slavery from the Missouri Controversy in 1820. At some point, RK flipped over the notebook and added material from the other end. This second part of the notebook cites material from 1820 exclusively. It is most likely that RK copied this passage from William Belsham's *Memoirs of the Reign of George III* in the summer of 1820, after the defeat of anti-slavery restrictionists in the first session of the 16th Congress. See RK's copy of William Belsham *Memoirs of the Reign of George III to the Session of Parliament Ending A.D. 1793*, 4 vols. (London: G.G. and J. Robinson, 1796). The quote comes from Vol. 1 of the London edition, published in 1796, not Vol. 3 as RK noted in the commonplace book. The discrepancy comes from RK binding *The Memoirs of the Reign of George III* with two volumes of William Belsham, *Memoirs of the Kings of Great Britain of the House of Brunswic-Lunenburg* (London: G.G. and J. Robinson, 1796). In RK's set the *Memoirs of the Kings of Great Britain* can be found at Vol. 1-2 and *Memoirs of the Reign of George III* at Vol. 3-6. There is no marginalia in any of the six volumes.

[2] Belsham, *Memoirs of the Reign of George III*, Vol. 1, 231.

[3] Ibid., 230.

[4] Robert Ernst, "Rufus King, Slavery, and the Missouri Crisis," *New-York Historical Society Quarterly* 46 (October 1962): 357-82; Eric C. Steinhart, "Introduction to *Papers Relative to the Restriction of Slavery*," in *Early American Abolitionists: A Collection of Anti-Slavery Writings 1760-1820*, ed. James G. Basker (New York: Gilder Lehrman Institute of American History, 2005), 319-325; Cecil Baker Egerton, "Rufus King and the Missouri Question: A Study in Political Mythology" (PhD diss., Claremont Graduate School and University Center, 1968), 82-91; Edward Wornow, "Rufus King and the Politics of the Missouri Compromise" (master's thesis, Columbia University, 1932), 29-36.

[5] RK's unorganized Missouri speech notes can be found in RK Papers, Box 81, Folder 1 and 6, N-YHS (hereafter Box 81, Folder 1 or Box 81, Folder 6). There are also some scrap notes from the Missouri speech misfiled in King Family Papers, Box 2, Folder 1818, N-YHS. Robert Ernst makes the claim for suppression without offering any evidence. Ernst, "Rufus King, Slavery, and the Missouri Crisis," *New-York Historical Society Quarterly* 46 (October 1962): 369; William Coleman, editor of the *New-York Evening Post* and a good friend of RK's, wrote to RK claiming that everyone has the "expectation of Seeing the Substance of your two last Speeches [of February 11 and 16, 1820] in print. I confess I am very desirous of seeing your precise expressions of the resistance you well made, on the Missouri question." RK endorsed the same letter saying he answered on 27 February, "impossible at present to write out my Speeches." Coleman to RK, 24 February 1820, RK Papers, Box 18, Folder 3, N-YHS; Robert Walsh, who was hard at work organizing what would become the *Philadelphia National Gazette* in 1821, offered to get the speeches published: "I mean to take a further liberty with you by suggesting that the publication of the substance of your two speeches of this session, on the Missouri question, would be of incalculable benefit to the cause, & an invaluable bequest to posterity. Reason, says Mr [Edmund] Burke, is strong; but, coming from authority, is irresistible. Give us all the great principles in the case, & they will prove prolific over as large a surface, & through a long course of time. I should be happy to usher them into the world from your pen, in a paper devoted to the objects which it has been the business of your life to advance." Walsh to RK, 14 April 1820, RK Papers Box 18, Folder 5, N-YHS. No evidence of King's reply exists; Also see RK's comment that "[a]ll the speeches hitherto published have been prepared by those who delivered them: there was no note taker present in the Senate and I have not put a pen to paper in order to preserve what I said on this occasion," at RK to Jeremiah Mason, 4 May 1820, in *Memoir and Correspondence of Jeremiah Mason*, ed. George S. Hillard, (Cambridge, MA: Riverside Press, 1873), 242.

[6] William M. Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760-1848* (Ithaca, NY: Cornell University Press, 1977), 120. Wiecek says Ernst reconstructed the speech in his biography of RK, but this is not true. While Ernst looked at the notes, he only included a short natural law reference at *Rufus King: American Federalist* (Chapel Hill: The University of North Carolina Press, 1968), 372n33.

[7] Ninian Edwards' notes on RK's speech can be found in the Ninian Edwards Papers, Box 1, Folder 5, Chicago Historical Society; RK's 1819-1820 commonplace book can be found at Vol. 101. A tipped in page of notes in this commonplace book was written in preparation of the February 1820 speech; RK mentioned the speech in RK to John Alsop King, 11 February 1820, *LCRK,* Vol. 6, 269-270; RK to John Alsop King, 16 February 1820, *LCRK*, Vol. 6, 275; RK to Christopher Gore, 17 February 1820, *LCRK*, Vol. 6, 276-278.

[8] Methodologically, this chapter follows Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York: Simon & Schuster, 1992).

[9] This can be found in South Carolina Senator William Smith's speech of 14 February 1820, *Annals of Congress*, 16th Congress, 1st session, 380-381; RK saved this extract of the speech, which includes a quote from Justinian that "all men were born free," at RK Papers, Box 18, Folder 1, N-YHS; RK's speech notes at Box 81, Folder 1 have a less eloquent version of this statement, "all men being by Natural Law free & equal, and the formation of society being for the purpose of procuring by [the?] Union of individuals safety & other advantages for Each and all the Members, as in their individual and anti-social condition one man would not rightfully make another his Slave, Set in their social State, they could not confer on others a Right to do what they themselves could not do – hence it follows that no Prince or Govt. can make and hold Slaves[.]" Ernst printed this at *Rufus King*, 372n33; Richard Peters, Jr. reported that RK said, "the principle of natural law, which he understood if he understood any law, and by the principles of Christianity no man could find a warrant to make another a slave – All men by the Law of God were born free and equal, and this principle was recognized in those Codes from which we derive our Civil regulations." Richard Peters Jr. to Roberts Vaux, 12 February 1820, Vaux Family Papers, Roberts Vaux Correspondence, Box 2, Folder 4, Historical Society of Pennsylvania, Philadelphia; RK also provided a detailed description of the natural law section of his speech at RK to Christopher Gore, 17 February 1820, *LCRK*, Vol. 6, 276-278. On RK's rhetorical style see Asa Bacon, writing to Charles King, RK's son, in reference to RK as a speaker said "Rufus King took you by the Shoulders and made you go just where he had a mind to." Asa Bacon to

Charles King, 29 August 1851, King Family Papers, Box 2, Folder 1840-1859, N-YHS; John Adam Dix compared RK to an "old Roman senator" during his February 11, 1820 speech at Morgan Dix, *Memoirs of John Adams Dix*, Vol. 1 (New York: Harper and Brothers, 1883), 3.

[10] Josiah Quincy, ed., *Memoirs of the Life of John Quincy Adams* (Boston: Philips, Sampson, and Co., 1858), 102. For many of the famous quotes used throughout the Missouri Controversy see Richard H. Brown and Van R. Halsey, eds., *The Missouri Compromise: Political Statesmanship or Unwise Evasion* (Boston: D.C. Health and Co., 1964).

[11] RK to John Alsop King, 4 March 1820, *LCRK*, Vol. 6, 289. Hugh Henry Brackenridge referred to the prairie west of Missouri as resembling the "Steppes of Tartary" in *Views of Louisiana* (Baltimore, 1814), 72. RK did not have a copy of that book in Inventory of Rufus King Library, 1827, RK Papers, Vol. 74, N-YHS (hereafter cited as Vol. 74). See George Dangerfield, *The Awakening of American Nationalism 1815-1828* (New York: Harper Torchbook, 1965), 116n50 and 166.

[12] The Second Missouri Controversy of 1821 centered on the problematic state constitution approved by the constitutional convention in Missouri. Narratives of the Missouri Controversy abound. For a fair narrative see Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: The University of North Carolina Press, 2007); An older version that agrees with the Republican rumors of the Missouri Controversy as a Federalist plot to achieve power see Glover Moore, *The Missouri Controversy, 1819-1821* (1953; repr., Lexington: University of Kentucky Press, 1966).

[13] David Brion Davis, *Challenging the Boundaries of Slavery* (Cambridge, MA: Harvard University Press, 2003), 42.

[14] Joseph L. Arbena, "Politics or Principle? Rufus King and the Opposition to Slavery, 1785-1825," *Essex Institute Historical Collections* 101 (January 1965): 56-77, esp. 56; Glover Moore, *The Missouri Controversy 1819-1821* (Lexington: University of Kentucky Press, 1966), 40, 56-57, 67, 75, 83, 179-185, 299, 307-309; Homer C. Hockett, "Rufus King and the Missouri Compromise," *Missouri Historical Review* 2 (April 1908): 211-220.

[15] Shaw Livermore, Jr., *Twilight of American Federalism* (New York: Gordian Press, 1972). Also see an unpublished comment in his speech drafts from the 1818 Navigation Act debates, where RK stated, "I am of the fallen party Victrix causa deis placuit sed Victa Catoni." This line is from Lucan's *Pharsalia* and translates as "the victor's cause pleased the gods, but the vanquished pleased Cato," at RK Papers, Box 16, Folder 1, N-YHS. RK admited the Federalist Party's defeat to its Republican adversaries, but he was still willing to make a moral stand, as the Roman republican Cato did. Also see RK's comment that "[t]o disserve an argument, which we do not like, or cannot answer, it is a common practice to give it a bad name" at RK to John Alsop King, 20 April 1823, *LCRK*, Vol. 6, 518-519. While RK wrote this in relation to the pushback he was getting for his stance against slavery in Illinois, the idea of being labeled a Federalist by his political enemies was forcefully applied during the Missouri Controversy as well.

[16] John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American* West (Charlottesville and London: University of Virginia Press, 2007); Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: the University of North Carolina Press, 2006), 4-5; Sean Wilentz in particular has been critical of Federalist anti-slavery efforts, noting that "[r]arely has any group of Americans done so little to deserve such praise." Wilentz, *The Rise of America Democracy: Jefferson to Lincoln* (New York: W.W. Norton, 2005), 163-164; Sean Wilentz, "Jeffersonian Democracy and the Origins of Political Antislavery in the United States: The Missouri Crisis Revisited," *The Journal of the Historical* Society, Vol. 4, No. 3 (Fall 2004), 375-401; Arthur Scherr, "'Sambos' and 'Black Cutthroats': Peter Porcupine on Slavery and Race in the 1790s," *American Periodicals* 13 (2003): 3-30; John Kyle Day, "The Federalist Press and Slavery in the Age of Jefferson, *Historian* 65 (Fall 2003), 1301-1329; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill and London: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 1997), 252-253.

[17] Don E. Fehrenbacher, *Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 2001), 91; Major L. Wilson, *Space, Time, and Freedom: The Quest for Nationality and the Irrepressible Conflict, 1815-1861* (Greenwood Press, 1974), 22-48; Ernst, *Rufus King*, 372-374; Ernst, "Rufus King, Slavery, and the Missouri Crisis," 370-371, 376-377.

[18] George William Van Cleve, *A Slaveholders Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010); David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2010); Don E. Fehrenbacher and Ward W. McAfee, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2001).

[19] Van Cleve, *A Slaveholders Union*, 254. I would like to thank Joseph Murphy, doctoral candidate in history at the CUNY-Graduate Center, for his conversations with me on this point.
[20] Daniel J. Hulsebosch says, "New York lawyers believed that the state's legal culture was enmeshed not only in a federal system but also a larger civilization." Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664-1830* (Chapel Hill: The University of North Carolina Press, 2005), 205. Hulsebosch describes an "empire of law" that spread from the Northeast to the rest of the nation bound by a common vision of natural law. This empire had no center, but provided a set of transcendent rules of legality for the nation.
[21] For a discussion of the power of natural rights language in American political history see Daniel T. Rodgers, *Contested Truths: Keywords in the American Politics Since Independence* (New York: Basic Books, 1987), 45-80.
[22] Charles Sumner, *Freedom National; Slavery Sectional. Speech of Hon. Charles Sumner, of Massachusetts, on His Motion to Repeal the Fugitive Slave Bill, in the Senate of the United States, August 26, 1852* (Boston: Ticknor, Reed, and Fields, 1852). Also see James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W.W. Norton, 2012); Ernst, "Rufus King, Slavery, and the Missouri Crisis," 382; Ernst, *Rufus King*, 375.
[23] "Extract of a letter from a gentleman in Washington, to his friend in this City," *Richmond Enquirer*, 17 February 1820. The letter is dated from Washington on 12 February 1820. This letter was reprinted throughout the North in later weeks. There is no reference to the *Somerset* case in RK's Missouri notes.
[24] In the debates over Missouri statehood in 1819, RK proclaimed that he would avoid natural law arguments "which by all of us might be deemed conclusive, were this an original question are put aside and will look to those arguments in respect to the common defence, the general welfare, and that wise administration of the government, which as far as possible may produce the impartial distribution of benefits and burdens throughout the Union." RK, *Substance of Two Speeches, Delivered in the Senate of the United States, on the Subject of the Missouri Bill* (New-York: Published by Kirk and Mercein, 1819), 20.
[25] RK to Edward King, 21 April 1818, King Mss., Lilly Library, Indiana University, Bloomington.
[26] Box 81, Folder 1.
[27] Ninian Edwards' recorded "Congress shall have power to admit those States into the Union" and "It involves the power to examine, discuss and settle the terms of admission" in Ninian Edwards Papers, Box 1, Folder 5. For RK's defense of this point see his comments under the heading "The Power" at Box 81, Folder 1.
[28] RK Papers, N-YHS, Box 81, Folder 1. The notes there show that RK pulled this material from "fed N. 18," or Federalist 18. This can be found under the heading "Other Confederacies," Ninian Edwards' notes state RK spoke of, "England in relation to Scotland" and "Achaian League – refused to admit Lacedomon until the[y] abandoned the law of Lycurgus."
[29] Ninian Edwards' recorded, "Suppose a State had the Inquisition, it tolerated torture[,] had an established church." He went on to record that RK called them "odious institutions." Ninian Edwards Papers, Box 1, Folder 5; RK said "If Condition can be required of a for[eign]. State so may it be of Missouri for the Terms are the same wh. gives the power in both cases." Box 81, Folder 1.
[30] Box 81, Folder 1, under the heading "The Power."
[31] This summary of the RK speech was taken from Ninian Edwards Papers, Box 1, Folder 5.
[32] RK's summarized version of Vattel's description of the necessary law of nations at Box 81, Folder 1, on a sheet labeled by RK, "Missouri / Notes of Speech / Friday 11 feb^{y}. 1820."
[33] Summary and quote from Ninian Edwards Papers, Box 1, Folder 5.
[34] Eliga Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, MA: Harvard University Press, 2012), 10.
[35] Box 81, Folder 1, under the heading "Missouri Speech friday 11 feb^{y}."
[36] Ibid., under the heading "Stipulation of Treaty."
[37] Richard Beeman says, "[i]n the Lockean triad of natural rights that served as the bedrock justification for America's leap toward independence, 'life, liberty, and property,' were seen as inseparable. An attack on one would inevitably leave the others equally vulnerable." Beeman, *Plain, Honest Men: The Making of the American Constitution* (New York: Random House, 2009), 311.
[38] Ninian Edwards Papers, Box 1, Folder 5.
[39] Vol. 101.
[40] Ibid. RK countered Southern arguments that the restriction of slavery was a form of coercion against state sovereignty guaranteed by the Constitution, "Coercion. so all Compacts may be regarded – but the terms are favorable to freedom not to Slavery so no hardship[.] If it were to submit to any thing degrading or unjust, then it w^{d}.

be coercion." Box 81,Folder 1; Also see "Johnsoniana," RK Papers, Box 27, Folder 6, N-YHS. In this separate set of commonplace notes RK made of a reading from Samuel Johnson, he noted under the heading "Of Law & Precedents" that "The more Precedents there are, the less occasion for Law – id est [that is], the less occasion is there for investigating Principles."

[41] On the freedom principle and zones of law see Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (New York: Cambridge University Press, 2009) 23-24, 66-67, 93-105; Sue Peabody and Keila Grinberg, eds., *Slavery, Freedom and the Law in the Atlantic World: A Brief History with Documents* (Boston: Bedford/St. Martin's, 2007), 1-28; Eliga H. Gould, "Zones of Law, Zones of Violence: The Legal Geography of the British Atlantic, circa 1772," *William and Mary Quarterly* 60 (July 2003): 471–510; Sue Peabody, *"There are No Slaves in France": The Political Culture of Race and Slavery in the Ancien Régime* (New York: Oxford University Press, 1996), 3-13.

[42] Peabody and Grinberg, eds., *Slavery, Freedom and the Law in the Atlantic World,* 2.

[43] Beeman, *Plain, Honest Men*, 333. Beeman has said not all delegates to the Constitutional Convention of 1787 were indifferent to the moral issues of slavery. He states that even those who hated slavery saw it as a necessary evil instead of a radical evil. They could live with the necessary evil of slavery in order to establish the Union. Without a moral sense to define slavery as a radical evil, it was relatively easy for the North to acquiesce to the Fugitive Slave Clause. It took the extension of slavery into Missouri to make RK see slavery as a radical evil.

[44] Ninian Edwards Papers, Box 1, Folder 5.

[45] Vol. 101. In this commonplace book King struck the word "great" before the word "Speech." All of the citations from Blackstone and Grotius in this paper can be found on a tipped-in sheet inside the commonplace book. Cross-referencing this sheet with other notes made for his February 1820 Missouri speeches demonstrates RK used this sheet to prepare for the speeches. The exact source for this quote could not be discovered, although it is listed with other Blackstone citations. See RK's copy of William Blackstone, *Commentaries on the Laws of England, in Four Books*, ed. Edward Christian, 4 vols. (London: Printed by A. Strahan and W. Woodfall, Law-Printers to the King's Most Excellent Majesty, For T. Cadell, 1793-1795).

[46] Vol. 101. Both quotes are from a footnote in RK's copy of Edward Christian's edited version of Blackstone's *Commentaries.* See RK's copy of Blackstone, *Commentaries*, Vol. 1, 88, 89n19. Gaius wrote the Twelve Tables of Rome. Blackstone borrowed much of his discussion of anti-slavery from Montesquieu. See John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 30.

[47] Vol. 101. This can be found under the heading "War." See RK's copy of William Blackstone, *Commentaries*, 423. This was culled from a section discussing the slave status of prisoners of war.

[48] RK did not cite this directly in his reading notes, but it is near other portions of the text he did cite. Hugo Grotius, *On the Law of War and Peace,* Book 1, Chapter 1, Section 2. See RK's copies of RK copies of Hugo Grotius, *Le droit de la guerre et de la paix*, trans. Jean Barbeyrac (Leiden: Aux de'pens de la Compagnie, 1759); Grotius, *De jure belli ac pacis,* 5 vols. (Lausanne: Sumptibus Marci-Michaelis Bousquet, & Sociorum, 1751-1752); Grotius, *De jure belli ac pacis* (Amsterdam: Ex Officina Westeniana, 1720); Grotius, *Of the Rights of War and Peace*, 3 vols. (London: Printed for D. Brown in Exeter Exchange in the Strand; T. Ward in the Inner-Temple Lane; and W. Meares at the Lamb without Temple-Bar, 1715).

[49] Vol. 101. RK took this from Grotius, *On the Law of War and Peace*, Book 1, Chapter 1, Section 4.

[50] Vol. 101. RK summarized this from Grotius, *On the Law of War and Peace*, Book 1, Chapter 1, Section 5.

[51] Ibid.

[52] Vol. 101. Quotes on "favorable treaties" and "Odious are such Treaties," are from Grotius, *On the Law of War and Peace*, Book 2, Chapter 16, Section 10.

[53] RK's copy of Thomas Rutherforth, *Institutes of Natural Law Being the Substance of a Course of Lectures on "Grotius de Jure Belli et Pacis*," Vol. 2 (Cambridge, Eng.: Printed by J. Bentham, Printer to the University, 1756), marginalia at 406.

[54] Box 81, Folder 1.

[55] Vol. 101. RK noted that this came from "T. 2. 17." See RK's copy of *Oeuvres completes de Démosthéne et d'eschine, traduites en français*, 6 vols. (Angers, France: de l'imprimerie de mame, père et fils, 1804). Only five of the six volumes could be found at N-YHS. They contain no marginalia, other than John Alsop King's signature on the back pastedown of volume four.

[56] Demosthenes, *Political Eloquence in Greece*, trans. M.J. MacMahon (Chicago: S.C. Griggs and Company, 1881), 231.

[57] Vol. 101. Quote from under the heading "Demosthenes."

[58] Vol. 101. None of RK's copies of Aristotle can be found at N-YHS. See Catalog of the King Library, ca. 1906. From this catalog RK's copies are identified as Aristotle, *Aristotle's Politques, or Discourses of Government.*

Translated out of the Greeke, trans. Loup Le Roy (London, 1598); Aristotle, *Aristotle's Ethics and Politics, Comprising his Practical Philosophy. Translated from the Greek. With Notes*, trans. John Gillies, 2 vols. (London, 1797); Aristotle, *The Metaphysics of Aristotle*, trans. Thomas Taylor (London, 1801).

[59] RK owned an unidentified six-volume edition of William Mitford's *History of Greece*, simply labeled "Mitford's Greece" at Vol. 74. RK's copy cannot be found at N-YHS and was not listed on Catalog of the King Library, ca. 1906.

[60] Vol. 101. Underlining is RK's. This is under the heading "Slavery at Athens Mitford."

[61] Ibid.

[62] RK created a commonplace entry from Mitford's *History of Greece*, with the heading "Faction," that said "☞ the disorder of the Greek Republics proceeded from unequal Distribution of wealth, whereby the poor suffer[e]d from the Oppression of the Rich, and the Rest were in perpetual Danger from the despair of the poor." Vol. 101.

[63] Vol. 101, under the heading, "Slavery at Athens ex Mitford."

[64] RK had a deep disdain for Virginia, like most Federalists did. In his 1820 speech notes he admitted Virginia's people during the Revolution "were indeed patriotic noble & efficacious – her Statesmen and her warriors were excelled by none." But he could not accept "exclusive Claims where all did their Duty" as they tend to lessen "rather than strengthens our Gratitude." Box 81, Folder 1. RK also said "Virginia has never aided in the choice of any man to be President, except a native and subj. of Virginia … let the several States at once surrender their mistaken claim of Equality, and agree that Virginia, by Election or otherwise as they may prefer, shall hereafter & forever wield the Scepter – this will leave us undisturbed – we shall continue to be blest with the Rule of a Race wh. is never in Error, for being infalable [sic]." RK Papers, Box 27, Folder 5, N-YHS.

[65] RK, *The Substance of Two Speeches*, 19. See RK copy of William Stith, *The History of the First Discovery and Settlement of Virginia* (London, 1747). It could not be found at N-YHS. See Vol. 74 and Catalog of the King Library, ca. 1906 for bibliographic information. Also see the vertical line and pointing fist next to a section of the text on Virginia's first importation of slaves in RK's copy of George Chalmers, *Political Annals of the Present United Colonies, from their Settlement to the Peace of 1763: Compiled chiefly from Records, and Authorised Often by the Insertion of State-Papers* (London: Printed for the Author: and sold by J. Bowen, 1780), 49.

[66] RK Papers, Box 27, Folder 6, N-YHS. In the notes before the word "Negroes," RK struck the word "Slaves." He noted this came from "Stiths history Virg[a]."

[67] RK, *The Substance of Two Speeches*, 19.

[68] RK Papers, Box 27, Folder 6, N-YHS. RK recorded that these notes came from "Chalmers annals." The specific quotes used here came from "Chalmers 46." See RK's copy of Chalmers, *Political Annals of the Present United Colonies*. There are no markings on page 46.

[69] RK, *Substance of Two Speeches*, 20.

[70] RK's copy of Chalmers, *Political Annals of the Present United Colonies*, marginalia on 546.

[71] All Vol. 101. Quotes from Vol. 1 of Mitford's *History of Greece*.

[72] Vol. 101. RK specifically mentioned the "Institution of the crypteia."

[73] Ibid.

[74] Box 81, Folder 1.

[75] Ibid.

[76] This is from I Corinthians 10:33 and is quoted in Vol. 101, tipped in sheet on Missouri Controversy.

[77] Box 81, Folder 1. This section of notes is separate from the previous "Law of Nature" heading; also see Box 81, Folder 6 where RK defines the golden rule as "Its sum is to do to others what we w[d]. [illegible] be done to us." Folder 6 also includes a definition as "to live soberly, to hurt nobody, to render to every one his due[.]"

[78] Peters Jr. to Vaux, 12 February 1820, Vaux Family Papers.

[79] RK copies of Dionysii Gothoredi, *Corpus Juris Civilis*, 2 vols. (Paris: Ex Typographia Antonij Vitray, 1628). This volume was previously owned by James Otis; *Corporis Ivris Civilis Tomus Primvs*, 2 vols. (Amsterdam: Apud Viduam Danielis Elsevirii, Janssonio-Waesbergios, 1681).

[80] Ellen Holmes Pearson, *Remaking Custom: Law and Identity in the Early American Republic* (Charlottesville, University of Virginia Press, 2011), 118.

[81] *Annals of Congress*, 16th Congress, 1st Session, 403. Pinckney's whole response is recorded at 389-417.

[82] For RK's extracts from Justinian's *Institutes* on the status of slaves and the ways an individual becomes a slave see Vol. 101, under the headings "☞Servitus," "Servitus," "In genus," and "de Libertini." RK also cited Justinian in the speech notes at Box 81, Folder 1 and at what seems to be a related set of extracts at RK Papers Box 27, Folder 6, N-YHS.

[83] For a discussion of the use of the Declaration of Independence in the Missouri debates see Philip F. Detweiler, "Congressional Debate on Slavery and the Declaration of Independence, 1819–1821," *American Historical Review* 63 (April 1958): 598–616.
[84] Both the reference to the Declaration of Independence and the two Justianian quotes can be found at Box 81, Folder 1. There is no heading for these notes and no other identifying features on the page. RK noted the Justinian quotes came from "Instit." Both quotes are from Book 1, Title 2 of the *Institutes.*
[85] Box 81, Folder 6, under the heading "Natural Law."
[86] Box 81, Folder 1. There is no heading for these notes and no other identifying features on the page.
[87] Ibid.
[88] Ibid.
[89] Humanitas to RK, 10 March 1820, RK Papers, Box 18, Folder 4, N-YHS.
[90] Peters Jr. to Vaux, 12 February 1820, Vaux Family Papers.
[91] Ibid.
[92] Joseph Gales to RK, 22 March 1820, RK Papers, N-YHS, Box 18, Folder 4; RK to Gales, dated March 1820, but after 22 March 1820, RK Papers, N-YHS, Box 18, Folder 4. RK's response to Gales said he "without any reserve admits that any such plan would, in his belief, be most difficult to execute, and that he must be not only a bold politician, but moreover must possess higher powers of intellect than are commonly met with, who should venture to attempt to carry any such scheme into execution." Later in the letter he admits "this was a mere suggestion, made without confidence in its practicability; altho' intended to insinuate that there seemed to be something retrograde in its character, in the present improved condition of human society, in sitting down in utter despair that the time would never come, when changes might take place in the present condition of slavery within the U. S."
[93] Douglas R. Egerton, "'Its Origin is not a Little Curious': A New Look at the American Colonization Society," *Journal of the Early Republic* 5 (Winter 1985): 473.
[94] Robert H. Goldsborough to RK, 30 May 1820, *LCRK*, Vol. 6, 342.
[95] RK to Goldsborough, 4 June 1820, *LCRK*, Vol. 6, 343.
[96] On Coles and Illinois in the 1820s see Kurt E. Leichtle and Bruce Carveth, *Crusade Against Slavery: Edward Coles, Pioneer of Freedom* (Carbondale: Southern Illlinois University Press, 2011); David Ress, *Governor Edward Coles and the Vote to Forbid Slavery in Illinois, 1823-1824* (Jefferson, NC: McFarland, 2006); Suzanne Cooper Guasco, "Confronting Democracy: Edward Coles and the Cultivation of Authority in the Young Nation" (PhD diss., The College of William and Mary, 2004).
[97] RK to Edward King, 8 July 1823, *LCRK*, Vol. 6, 531.
[98] All quotes from undated notes from 1823, RK Papers, Box 20, Folder 11, N-YHS. Charles King, Rufus's second son, wrote on this document "Speech or notes against Changing Constitution of Illinois so as to permit slavery 1823."
[99] John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012); Burrus M. Carnahan, *Act of Justice: Lincoln's Emancipation Proclamation and the Law of War* (Lexington: The University Press of Kentucky, 2007).

Epilogue

This dissertation has argued for the power of reading to affect political culture and political events in the early American republic. When Rufus King opened the mail in August 1822, he received a death threat that confirmed the power of appropriating the printed word. The piece of mail in question had an address leaf that contained a crude drawing of a gallows, with the addressee's name, "R. King," hanging from it. Folded inside was a newspaper article from Charleston, South Carolina describing the so-called slave insurrection of Denmark Vesey, the leader of what white leaders of the city claimed was a planned revolt that involved thousands of slaves. King simply noted the threat was "Recd. in the regular course of the Post with the printed extract of the Charleston Newspaper of Aug. 5, 1822."[1] Historians have questioned the size and scope of the revolt, but the fear of violence experienced by the white population of the city expanded the impact of the affair.[2]

The anonymous sender of the article was angry at King for what many Southerners saw as ideological support for slave revolt during the Missouri Controversy in 1819-1820. During the Congressional debates over the extension of slavery in Missouri, King gave a number of spirited speeches for the restriction of slavery in the new state. Free blacks listened to the debates, which startled some Southern observers. King's less radical speeches from 1819 were published in pamphlet form that November and made a substantial impact on the political debate. King spoke in even starker terms in 1820, but refused to publish those speeches. Vesey probably heard of King's radical speeches of 1820, which referenced natural law and natural rights, but during his trial in July 1822, he was said to have publically read and distributed the 1819 pamphlet to gain support of the area's slave population for his planned revolt.[3] While historians question if Vesey really did this, it is clear that the reading of King's ideas, even the

Constitutional-based arguments of 1819, scared whites in the area and led to an emotional reaction that resulted in King receiving a death threat. The power of readers to appropriate and define their own meaning was never so stark. King abhorred violence and never would have thought to use his pamphlet to promote a slave revolt, but once he made his words public through print, he had no control over where they would go or how his diverse audiences would use them. No doubt, this possibility played a role in King's decision to avoid publication of his 1820 speeches, and he probably never thought his earlier work would be taken to what he would have thought was such an extreme.

This episode also shows the power of print to transform political events over long distances. Trish Loughran, in *The Republic in Print*, makes the argument for all reading being local.[4] But this dissertation demonstrates that reading can transcend impressive distances and be put into service of international objectives. Private reading had public repercussions and the history of reading allows for a widening of the history of politics. The time, effort, and money spent shopping in bookstores, reading while traveling in carriages or ships, or gathering information in libraries needs to be better integrated into the history of the early American republic. The history of information science and the physical means of collecting and organizing notes also require greater study. Without considering his reading history and note taking, King's lifelong commitment to the legitimacy of the American nation among other treaty-worthy nations of the world would be harder to discern. Marginalia, commonplace books, and scrap notes are sources that are largely unexplored in American history and their potential for new interpretations is immense. King's reading history offers just one example of the benefits of integrating the history of books into more traditional approaches to the past.

[1] King Family Papers, Box 1817-1873, Folder 1820-1829, N-YHS.

[2] Michael P. Johnson, "Denmark Vesey and His Co-Conspirators," *William and Mary Quarterly* 58 (October 2001): 915-967; "Forum: The Making of a Slave Conspiracy, Part 2," *William and Mary Quarterly* 59 (January 2002): 135-202.
[3] Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 161.
[4] Trish Loughran, *The Republic in Print: Print Culture in the Age of U.S. Nation Building, 1770-1870* (New York: Columbia University Press, 2007).

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