The Political Career of James Brown.

Lawrence Keith Fox

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THE POLITICAL CAREER OF JAMES BROWN

A thesis submitted to the Graduate Faculty of the Louisiana State University and Agricultural and Mechanical College in partial fulfillment of the requirements for the degree of Master of Arts in the Department of History.

by

Lawrence Keith Fox
A.B., University of South Dakota, 1922
May, 1946
ACKNOWLEDGEMENT.

The subject for this study was suggested by Professor Walter Prichard, Head of the Department of History, Louisiana State University. Over a period of months, he has given helpful counsel from his broad knowledge of the whole field of which this thesis is a small segment. All contributions to the story of James Brown contained herein are due to his assistance to a stranger in the field. His aid has been invaluable to me and I acknowledge with gratitude my indebtedness to him.
James Brown was born in Virginia in 1766, son of the Reverend John Brown, a Presbyterian minister. He was educated in his father's schools and at William and Mary College. Trained for the law, he moved to Kentucky to be with his brother John. The latter, also a lawyer, was prominent, serving in the U. S. Senate, 1792-1805.

President Washington appointed James Brown attorney for Kentucky in 1790. On admission of Kentucky to statehood, the Governor named Brown secretary of state for a four year term.

Brown moved to New Orleans in 1804. Jefferson appointed him successively secretary of the district, judge of the superior court, and district attorney. With Moreau Lislet, he was delegated by the Legislature to prepare a civil code which was published in 1806. Elected to the Constitutional Convention of 1811-1812, Brown was active in drafting the constitution.

In December, 1812, he was elected to the U. S. Senate, the third man to serve therein from Louisiana. Defeated for re-election by W. C. G. Claiborne, he retired in 1817. Two years later he returned to the Senate and served until he accepted President Monroe's appointment as Minister to France in 1823. He was the first Minister to that country after enunciation of the Monroe Doctrine. Brown tried to settle the spoliation claims but failed. He retained the office under Presidents Adams and Jackson, resigning in June, 1829. On his return, he lived in Philadelphia, where he died in April, 1835. James Brown's career was without climax. He worked hard but was unable to do anything to catch James's nod. It was his lot to be overshadowed by his brother-in-law, Henry Clay.
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CHAPTER ONE

THE BROWNS OF THE VALLEY

The colony of Virginia was peopled by a slow and gradual process. From the arrival of the ocean-weary passengers of the Sarah Constant, the Goodspeed, and the Discovery at Jamestown in 1607, it was more than a century before settlers crossed the Blue Ridge mountains to the west. Across tidewater, piedmont and mountains crawled the human hordes to reach the valley between the Blue Ridge and Allegheny mountains. This valley, extending from the Potomac River southward to the headwaters of the James, is slightly less than two hundred miles in length and varies in width from ten to seventy miles. Its area is approximately equal to New Jersey. The Shenandoah river, a tributary of the Potomac, drains the upper, or northern, end. For years it has needed no other name than the Valley.  

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2 Freeman H. Hart, *The Valley of Virginia in the American Revolution, 1763-1789* (Chapel Hill, 1943), I.
Thomas Anburey, a young British war-prisoner in Virginia during the Revolutionary War, on viewing the Valley from the Blue Ridge crest, wrote:

When you reach the top you are suddenly surprised with an unbounded prospect, that strikes you with awe and amazement. At the foot of the mountain runs a beautiful river; beyond it a very extensive plain, interspersed with a variety of objects, to render the scene still more delightful; and about fifty miles distant are the lofty Alleghany mountains, whose tops are buried in the clouds.

The Valley was settled principally through the Pennsylvania gateway by Ulster Scots, commonly called Scotch-Irish, and by Palatinate Germans, known as Dutch. The Germans reached the Valley first and occupied the more fertile lands of the north Valley. The Scots, almost wholly Ulstermen, followed closely; some took the less desirable lands near the Potomac but the majority pushed onward to the south Valley where first choice could be had. The Valley also gained a considerable number of English from eastern Virginia and Pennsylvania and a few from England. In addition, a few Swiss, Swedes and Welsh came to the Valley. Indentured servants, largely Irish, settled permanently as they became freed from bonds.

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3 Hart, The Valley of Virginia, vii.
In 1738 the Valley was divided into two counties, Frederick in the North and Augusta in the South; the names being those of the royal parents of George III. Both counties were empires in extent at first.

Religion was held by many of the early Valley settlers to be as important as making a better living. The constant Indian peril was not thought too great a price to pay for a religious haven that also promised a better degree of economic reward.

Virginia was considered loyal to the Church of England but from the beginning it had numerous dissenters. Colonial laws required conformity to the rites and doctrines of the Anglican Church and the payment of fixed sums for its support, and dissenters were not exempt. The English Toleration Act of 1689 allowed dissenters the right to worship according to their creeds, if places of worship were registered and their preachers licensed to preach in them. Dissenting ministers could not profit from the public levies or perform marriage ceremonies. Nor could dissenters hold office in the Virginia government unless they professed conformity to the Anglican Church. Hence many a Presbyterian elder became a vestryman in the Church of England in order to hold office. 5

The Valley, from the beginning of settlement, was a refuge for dissenting religious sects. Its people were

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5 Hart, *The Valley of Virginia*, 33-34.
largely dissenters despite the control of the area by the Anglican government at Williamsburg. Being a buffer against hostile Indians, they enjoyed a more favorable legal position than dissenting groups in other parts of the colony. Anglicans dominated the north Valley but the Presbyterians were predominant in the south.6

The Presbyterians usually had no more than six settled ministers in the region at a given time. Much of the preaching was done by itinerants. Actually the settled ministers were in reality itinerants because of their widely scattered community churches. The remote, neglected settlements held a strong fascination for these consecrated ministers, forerunners of the brave circuit riders of a later day.7

The salaries paid these men, Anglicans or dissenters, were small in terms of services rendered. With compulsory tithes the Anglican clergy seldom drew more than a hundred pounds a year. Even so, the dissenters who had to depend on voluntary support were far worse off. Salaries came from subscriptions, then as now, not paid in full nor on time.8

When the reputedly strong Presbyterian congregations at New Providence and Timber Ridge, Augusta County, called

6 Hart, The Valley of Virginia, 34, 35.
7 Ibid, 40.
8 Ibid, 40-41.
the Reverend John Brown, Princeton trained, in 1764, they bound
themselves, as shown by their subscription lists, to pay annually
thirty and thirty-five pounds, respectively. As a dissenter, he
was barred at first from performing marriage ceremonies and was
thus unable to add to his income from this profitable source.
He could, and did, receive donations for performing the rite of
baptism. Likewise, he could farm or work at some trade as his
ministerial duties allowed. Despite the limited income derived
from the profession, the minister was a person of importance in
the community, enjoying social rank near the top of the scale.
Thus it was that Reverend Brown soon after reaching the Valley
was successful in his courtship of Margaret Preston, of a pro-
minent colonial family.9

James Brown, fifth child and third son, of this marriage,
was born in a rural church near southwest of Staunton, on
September 11, 1768. Elizabeth, John, William, and Mary had
preceded him. These brothers and sisters contributed to his
education as he, in turn, later served as volunteer tutor to
younger brothers, Samuel and Preston William.10

The father was born in Ireland in 1728, undoubtedly of
Scotch parentage. Accompanied by an older sister, he migrated
to America in his youth at a cost of fifty-four dollars. Little

9 Hart, The Valley of Virginia, 41-42.

10 Daphne Harrin, "The Brown Family of Liberty Hall," in
is known of his early life in the colonies. He graduated from
the College of New Jersey (Princeton) in 1749 and then entered
the Presbyterian ministry. Mrs. Brown was the second daughter
of John and Elizabeth (Patton) Preston. She was a sister of
Col. William Preston, and was closely related to many dis-
tinguished families in Virginia and Kentucky. She was a woman
of remarkable character and vigorous mind. A contemporary
account by the Presbyterian itinerant supply, Philip Vickers
Fithian, states, under date of December 12, 1775:

Mrs. Brown appears to be a woman of uncommon
understanding. She had not said much before I
grew willing to say but little before her. Her
ideas are extensive & distinct. She speaks slow—
pronounces her words something in the Scotch Ac-
cent—her style, or way of speaking, is something
more than elegant & classical; it is peculiarly
forcable; as it comes from a female & is unex-
pected.—She was at no loss in talking of any
trifling incident which has taken place at
Princeton since my first acquaintance at College—
Equally intelligent was she of affairs as they
have come to be carried on in the Northern-neck,
Northern Neck—Nor is she unacquainted with books
& science—but of these she makes no boast; &
only uses them as helps in every other part of
her discourse.

Fithian then goes on to give some information about
Miss Elizaboth in one of the few accounts now known:

Her daughter Miss Betsey, a young woman
about twenty—tall of that age, lively—the
picture of health—she told me herself that

11 Mardin, op. cit., 75.
12 Philip Vickers Fithian: Journal 1775-1776. R. C. Albion
and L. Dodson, eds. (Princeton, 1934.), 141.
from her first Remembrance she has never had half a Days Sickness—This fine Woman partakes largely of the abilities of her Mother. She speaks wonderfully—But she speaks rapidly—Like other Females she smiles often—Yet Miss Brown never smiles but with dignity—She is constantly, in spite of Dullness, entertaining—She has been courted by many—it is said she is now steadily visited by two, both of whom it is said will be unsuccessful. She has read many English Authors—Several of the Latin Classics—and you may be certain, though she has been born in this distant unimproved Country, there are few young Women of her Bank & Education, who may be compared with her in the most excellent of all Accomplishments, the Ornaments of her Mind.

Monday I rode again to Mr. Brown—He is from Home. We were entertained however highly with his Wife & Daughter. Both intelligent, both chatful—For Entertainment we convers'd; we sung hymns—All were cheerful, I believe, all were amused.

The riding now is extreme bad. The cold is clear & piercing. Mr & Mrs Brown & Miss Betsey, were from Home at a Sermon. The extreme Cold Evening detained the Parents—but Miss Brown the Daughter, being young, sprightly & robust, without any Difficulty, or one female complaint for Pity, came in soon after us, & made us happy as mortals could be, with her enlivening Vivacity, till' half after eleven.

The Reverend John Brown realized that he could do little for his children in a financial way. He knew he could give them trained minds and point them to high aims. In addition to his pastoral duties he established a school where he taught the children of the church with his own. So seriously, indeed, did

13 Pitman Journal, 141.
14 Ibid., 143.
15 Ibid., 169.
16 Hart, The Valley of Virginia, 165.
he take his avocation of teaching the youth of the congregation
that by 1763 he had established Augusta Academy. John Leland,
a noted Baptist minister, was moved to say of the Presbyterian
effort: "They indulge (perhaps) too much mirth at their houses
yet it may be said in truth, that they have the best art of
training up children in good manners of any society in the state."\(^\text{17}\)

Parson Brown placed main emphasis on the classics and his
students were reported to be well grounded in the Latin and
Greek languages.\(^\text{18}\)

Augusta Academy became Liberty Hall in 1775 and about
1783 was incorporated by the Virginia Legislature. In 1798 the
name was changed to Washington Academy and to Washington College
in 1813. The final change to Washington and Lee University was
made in 1870. The location was Lexington, a town established
shortly after the famous battle and named in its honor.\(^\text{19}\)

James Brown gained his early training in his father's
schools. He then went to William and Mary College, where his
brother John had graduated with honors, including membership in
the parent chapter of Phi Beta Kappa. The evidence does not
clearly show that James graduated. Like John he read law and
became a practitioner in the courts of his day.\(^\text{20}\)

\(^{17}\) Hart, *The Valley of Virginia*, 30.


\(^{19}\) *Ibid.*, 165.

\(^{20}\) *Dictionary of American Biography*, III, 126.
Born in the year of the repeal of the hated Stamp Act, he had by early manhood witnessed the change in Virginia's status from British colony to American statehood. Within a hundred miles of his birthplace lived George Nicholas, John Breckinridge, James Monroe, James Madison and Thomas Jefferson—these among others of lesser importance with whom his later life’s experiences were to be entwined. 21

CHAPTER TWO

WESTWARD—KENTUCKY

British-prisoner Anburey, confined in the Barracks near Jefferson's home city of Charlottesville, Albemarle County, wrote in 1780:

There is a place called Kentucky, whose soil is extremely fruitful, and where an abundance of buffaloes is found. The emigration of the people to that place is amazing, seeking thereby to escape the tyranny and oppressions of the Congress, and its upstart dependents.

Even earlier the Reverend John Brown had written:

What a buzzel is amongst the People about Kentuck? To hear people speak of it one would think it was a new found Paradise and I doubt not if it is such a place as represented. Ministers will have thin congregations but why need I fear that? Ministers are moveable goods as well as others and stand in need of good land as any do for they are bad farmers.

Kentucky's call was not to be denied and eventually the Brown family took residence there. John, Jr., after reading law with Thomas Jefferson and qualifying for practice, led the way in 1783. He arrived in Kentucky when the region was in ferment over Indian raids, and political and economic uncertainty. Thereafter for fifty-four years he was a dominant force in Kentucky affairs, although he did not hold public

1 Woods, Albemarle County in Virginia, 43.
2 Hart, The Valley of Virginia, 74.
office after 1808. He was successively a member of the Virginia Assembly, Continental Congress, delegate in Congress, member of the Kentucky Constitutional Convention, Congressman, and United States Senator. In his last years he derived much satisfaction in being pointed out as the first man to serve in Congress from west of the mountains and in being called the last survivor of the Continental Congress. His pride in his small grandson, Benjamin Gratz Brown, would have grown correspondingly had he lived to see the latter attain high political honors in Missouri.3

When James Brown joined John in Kentucky, he selected Lexington as his base. There he found many Virginia neighbors, schoolmates and former members of his father's congregations. His practice prospered from the first, despite his youth and many able competitors. He soon ranked with the leaders of the bar.

The Indians were troublesome and when a company was raised at Lexington to go against them, James was chosen as the captain. More fortunate than many Indian fighters, he engaged the savages and lived to tell the tale. This service seems to constitute his principal military record. Unlike John, he does not appear to have been slurred for lack of military experience.4

3 Hardin, op. cit., 75-87.
4 Ibid.
Micah Taul in his Memoirs of Lexington says of James Brown:

Mr. Brown was probably 35 or 40 years of age; a gentleman of high literary and legal attainments, a good speaker, but not eloquent. He had been Secretary of State, during the administration of Gov. Shelby. Was a man of towering and majestic person, very proud, austere and haughty in fact repulsive in his manner, and was exceedingly unpopular. He was the first Secretary of State in the Territory of Orleans, afterwards Senator to Congress and Minister to France. 5

James Brown received a signal honor from President George Washington in appointment as attorney for the District of Kentucky after George Nicholas had declined to serve. The appointment was made on March 30, 1790 and was approved by the Senate on the next day. 6

When Kentucky was admitted to statehood in 1792, James Brown was appointed Secretary of State by Gov. Isaac Shelby. 7 During his four years in this office, he lived at Frankfort, the capital. His salary was one hundred pounds a year in Virginia money, paid quarterly. Following his resignation in October, 1796, he returned to Lexington. Except for service as commissioner to ascertain land settlement rights south of Green River, an appointment given to him on July 16, 1796 by Gov. James Garrard, he does not appear to have held other public offices in Kentucky.


7 Kentucky Register, Vol. 29, passim.

8 Ibid., Vol. 29, p. 344.
Meanwhile John Brown was having difficulties. He had strong opinions about the needs of his region. He wanted Kentucky to have access to markets. With thousands of others he looked with longing eyes on the Ohio-Mississippi and the port of New Orleans with the rich trade beyond. Unfortunately, Spain was in control and her agents were all too willing to entangle unwary Americans in deals that looked bad when brought to public view. John Brown became involved. His enemies, led by Humphrey Marshall, cousin of the greater John, made capital of his relations with Spanish agents. James Marthnas Marshall, running against John Brown for Congress in 1790, made the alleged Spanish plot his main plank.

It was the natural thing for James to come to the defense of his prominent brother. Green says, "Violent exception to this was taken by James Brown, the younger, bolder, more talented, and far more amiable and lovable brother of his antagonist." Bitter controversy and counter denunciation led finally to an arrangement for a duel between James and Candidate Marshall. The duel was cancelled. Marshall was defeated. Fifteen years later when the Burr conspiracy was bowling over proud names and fair reputations an effort was made to obtain a copy of the 1790 episodes from the files of the Lexington Gazette. Upon examination it was found that the issues of interest had been taken from the publisher’s file, the only known file, the remnants of which are in a Lexington library at this time.  

In 1793, James Brown was on a five member Committee of Correspondence of a Democratic Society whose chief aim was to prod an apathetic Congress into awareness of the pressing needs of the growing West. Printed circulars addressed to "Fellow-Citizen" were sent out to prominent citizens asking them to sign an enclosure, to be forwarded to the President and Congress, stating the West's case for more governmental support. Apparently copies of the form letter, resolution and remonstrance were sent by Brown to Andrew Jackson. That doughty gentleman must have thoroughly subscribed to the sentiments expressed in the closing paragraph of the torrid remonstrance:

From the General Government of America, therefore, your Remonstrants now ask protection, in the free employment of the navigation of the river Mississippi, which is withheld from them by the Spaniards. We demand it as a right which you have the power to invest us with, and which not to exert, is as great a breach of our rights, as to withhold. We declare that nothing can retribute us for the suspension or loss of this inestimable right. We declare it to be a right which must be obtained; and do also declare, that if the General Government will not procure it for us, we shall hold ourselves not answerable for any consequences that may result from our own procurement of it. The God of nature has given us both the right and means of acquiring and enjoying it; and to permit a sacrifice of it to any earthly consideration, would be a crime against ourselves, and against our posterity.10

At Lexington, James Brown met, wooed and wed Nancy Hart, a daughter of the noted Thomas Hart, pioneer promoter of the

Kentucky country. Although christened Anna, she was Nancy to all. This marriage, though childless, was a happy one and death alone marred it.11

The Lexington and Kentucky bar had been potentially strengthened by the addition of Henry Clay in March, 1798.12 Like James Brown, he was a minister's son, and like Brown, he married a daughter of Thomas Hart—winning Lucretia, Nancy's youngest sister.13 Through this relationship James Brown found himself confronted with a second formidable barrier to political favor, brother John being the first and in the beginning the more important one. With John holding a major political place, there was little hope for James. This handicap was a great one to any man with political aspirations. To be faced with another competitor, especially Henry Clay, made James' chances nil.

In the fall of 1799, Clay was toying with the idea of leaving Kentucky. On October 8, James Brown wrote to Thomas Bedford of Nashville, in introduction of Henry Clay, an attorney of promising talents and agreeable disposition, who was to visit Nashville with a view to settling there.14

13 Ibid., 23.
14 Kentucky Register, Vol. 25, No. 73 (Jan., 1937.), 101.
The record does not show if Brown promoted the matter of change of location. Any hope of losing a political antagonist was short-lived for Clay remained in Lexington where business given him by his father-in-law tided him over the lean period. He quickly became a great favorite. Lexington was his springboard to world political fame.

In a financial way James Brown was prospering through his legal efforts and business acumen. Upon the death of George Nicholas in 1799, Brown was called to take over his law classes at Transylvania University. He performed this work creditably. Richard M. Johnson and Robert Trimble were among his pupils.

Family ties were strong in the Brown family. In maturity the members liked to be together. Samuel had established medical practice in eastern Virginia but gave it up in 1796 to move to Lexington to be near James and John. When the youngest brother, Preston, finished his medical course, he located in the same region. John's residence had been changed to Frankfort and there he built Liberty Hall. To it he brought his aged parents, when his father's pastoral work in Virginia was done. The mother lived until 1802, the father a year longer.18

During the intense excitement aroused by the closing of the right of deposit at New Orleans by the Spaniards, Kentucky determined to raise four thousand volunteers with a view to taking Louisiana by force. In Kentucky the standard topic of talk for years had been the necessity of driving the Spanish into the Gulf.

18 Hardin, op. cit., 78-9.
The reaction to the call for troops, nevertheless, was disappointing. James Brown had been appointed aide-de-camp in the proposed expeditionary force. On November 21, 1803, at Paris, Ky., he wrote to Senator Breckinridge, stating that enlistment in the volunteer force was being hindered by militia officers who had been passed over in organizing the new forces. He wrote:

I overcame my usual dislike of mob-oratory, mounted the rostrum and addressed the multitude. The attempt was successful and succeeded beyond my most sanguine expectations. But I cannot yet assure you that a draft will not be necessary. The pay is inconsiderable, and the martial character of our people is nearly effaced.

To speed up enlistments, the Kentucky Legislature offered every volunteer a bounty of 150 acres of land in addition to any federal reward. When this action became known there was a better response in enlistments. Brown again wrote to Senator Breckinridge on December 10, 1803:

On no occasion have I felt more apprehension for the honor of Kentucky than on the late call for Volunteers. We have so often regretted that N. Orleans belonged to a foreign power--had so frequently wished for a just and legitimate order to take it, and had so solemnly pledged ourselves to support the measures of the President when directed towards the assertion of our rights in that quarter, that any reluctance in offering our services in the proposed expedition would have stamped indelible disgrace upon our National character. . . Our number is ready. They are volunteers and if twice the number is waiting, a draft will be unnecessary to complete them.

After all the bustle to raise troops, the need for them

16 Whitaker, The Mississippi Question, 1795-1803, 240.
17 Ibid., 243.
was nullified by the peaceful transfer for pay of the great Louisiana region to the United States by France on December 20, 1803. Almost immediately applicants for jobs in the newly acquired territory began to press their claims. Andrew Jackson was willing to be governor. James Brown was more modest and more elastic in his desires. He was willing to be a collector, naval officer or attorney general.18

Eight days after the momentous exchange, a recommendation urging Brown's appointment to office was forwarded to President Jefferson by a Kentucky group:

... This Gentleman's talents at the Bar of the Superior Courts of our State is ranked among the first practitioners, as a Man of Integrity, sobriety and independent Republican principles, He is in our estimation inferior to none. We are not unaware of the inconvenience that our infant State will experience by the migration of such Characters from it, but as Mr Brown has signified his intention of moving to the lower Country and his inclination to fill one of those offices (that of the Collector he would prefer) we cannot withhold from him this Portion of Justice which his merit entitles him to.19

This testimonial, backed by John Brown, president pro tem of the United States Senate, brought a favorable response:

18 Whitaker, op. cit., 240.
19 The Territorial Papers of the United States, IX, The Territory of Orleans, 165.
WASHINGTON, July 20. 04.

SIR In the arrangements proposed for the new government of the territory of Orleans to commence on the 1st of Oct. next, I am desirous of availing the public of your services as Secretary of the territory. On turning to the law for that establishment you will see what are it's duties and emoluments. You will oblige me by giving me as early intelligence as you can whether I may count on your acceptance, as it is important to complete the arrangements in time. Accept my salutations and assurances of esteem and respect.

TH: JEFFERSON

JAMES BROWN esq

The position was accepted on August 25. The time lag was due to a slow post rather than to hesitancy about taking the job. Weeks prior to notice of appointment, James Brown had broken the Lexington ties and had taken passage to Natchez on the way to New Orleans.21

20 Territorial Papers, II, 369.

21 Kentucky Register, Vol. 38, p.122-123.
CHAPTER THREE

FROM THE BLUE GRASS TO NACHOS

"Here I have renewed my youth," James Brown

James Brown was in his thirty-seventh year and had lived in Kentucky for sixteen years when he abandoned his Lexington home. The wealth he had acquired by untiring labor was invested largely in Blue Grass acres. It took courage to leave property, law practice, friends and relatives to make a fresh start in a new region. The experience was new to him. There was no brother awaiting him in New Orleans to ease the way as there had been in Kentucky. James was first to go into the southern field. "Tall, majestic and haughty," he was to learn at first hand of the region he


2 Territorial Papers, IX, 368.

3 Van Deusen, G. G., OR. GIT., 28.
had recently called the finest portion of the United States.\(^4\)

He and Nancy began the river journey about the first of June, 1804. On June 12, Dr. Samuel Brown wrote to James, care of Dr. Speed, Natchez, saying he had heard of their safe arrival at Massac, a village about 120 miles below the mouth of the Wabash.\(^5\)

September 16, Brown wrote to Henry Clay from Washington, Mississippi Territory but did not tell the date of arrival.\(^6\)

Gov. W. C. C. Claiborne was notified of Brown’s appointment as secretary on August 30 by the President, who trusted that "his distinguished understanding, his legal knowledge, and his possession of the languages," would make him "an useful aid."\(^7\)

In return, Claiborne wrote Jefferson that he was particularly gratified by the appointment of Mr. Brown as secretary. He added that Brown’s distinguished talents, knowledge of the law and of the

\(^4\) Brown to Sen. John Breckinridge, Jan. 13, 1804: "With what joy we have received assurances that the Country is to be peaceably and honorably incorporated within our Union, that its citizens are cheered by the exhilarating prospect of liberty, and that you are rapidly advancing in the formation of a government which will promote the happiness, encourage the population, and secure the affections of the Inhabitants of the fairest portion of the United States." Mayo, Henry Clay, 145 n2.

\(^5\) Kentucky Register, Vol. 35, p.123.

\(^6\) Colton (ed.), The Private Correspondence of Henry Clay, 10.

\(^7\) Territorial Papers. IX, 282.
languages would render him a valuable acquisition to the new
government. He also stated that he was studying French and
hoped to acquire a tolerable knowledge of the language in a
few months.

Although Brown's service as secretary was to begin on
October 1, he tarried in Natchez because of the dread yellow
fever in New Orleans. A bit irked, it seems, because Clay-
borne had also notified him of his selection as secretary,
Brown wrote to Secretary of State James Madison in October:

NATCHEZ Oct 26th 1804

SIR I received by the last mail a letter from Gov-
ernor Claiborne apprising me of my appointment to the
office of Secretary of the Territory of Orleans.
Having already, in a letter addressed to the President
of the United States, dated in August last, expressed
my readiness to enter upon the duties of the office,
it can scarcely now be necessary to inform you that
I have accepted the appointment.

The prevalence of the yellow fever in the city
of New Orleans has banished a great portion of the
Inhabitants, and rendered a residence there extremely
dangerous. A sense of duty would in all probability
have overcome the apprehension of danger, and I
should immediately have proceeded to my post, had
not Governor Claiborne assured me, that the public
would not need my services until the beginning of
the next Month. I shall avail myself a few days
of this indulgent hint, but will reach New Orleans
before the 5th of November.

I am Sir with sincere respect and esteem Your
Most Obt Servt

THE SECRETARY OF STATE.

8 Territorial Papers, IX, 303.
9 Ibid. 309.
10 Ibid. 313-4.
There is reason to believe that Brown's knowledge of French was not as good as he thought. On December 1, less than a month after Brown arrived in New Orleans, Jefferson tried to "kick him upstairs" by appointing him judge of the Territory:

WASHINGTON, Dec. 1, 1804

DEAR SIR The importance of appointing officers for the government of Orleans who speak both the French and English languages has produced difficulties in the arrangement which have distressed me exceedingly. The French language entered so little into education in this country in the early time of those who are now of an age for public office, that it is difficult, even among those, otherwise qualified, to find persons who can speak French. The impossibility of completing my arrangement in the way I had first proposed has placed me under the painful, but inevitable necessity of some change in it. In fact my greatest difficulty is in finding lawyers who can speak French; and this has obliged me to make a change in your destination, which tho' I believe you will prefer it, yet I would not have made without consulting you, had time permitted. I have nominated you to the Senate one of the judges of the Superior court of the territory of Orleans, & I have no doubt they will confirm it. The salary is the same, the tenure of office more independent, more dignified, and the occupation less constant. I hope you will lend yourself to the accommodation of the public necessities, & by the next post I expect to be able to forward your commission. Accept my friendly salutations & assurances of great esteem & respect.

TH: JEFFERSON

JAMES BROWN, esq

Brown's name as secretary does not appear in the Journal of the Executive Proceedings of the Senate because his was an interim appointment. When Congress met, Jefferson submitted the names of the Orleans officials to the Senate but designated Brown as judge of the superior court instead of secretary of the Territory. Brown was duly confirmed for the court position on December 11, 1804.

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11 Territorial Papers, 341-42.
faring better than Gov. Claiborne whose confirmation was postponed for one day. On the same day, Jefferson sent the Senate the name of John Graham for the secretariaship and approval followed promptly.\textsuperscript{12}

\textbf{WASHINGTON Dec. 1, 04.}

\textbf{SIR} I had this morning desired a person to ask the favor of you to call on me; but learnt soon after that you had left this place for Dumfries. the office of Secretary of the territory of Orleans is vacant. it requires indispensably that the person holding it should speak the French as well as English languages; the Spanish would be an useful tho' not indispensable addition. presuming you speak French, I meant to propose this office to your acceptance. the salary is 2000. Dollars a year, & duties are, under the direction of the governor, to record & preserve all the papers & proceedings of the executive, & all the acts of the Governor & legislative council, & to transmit copies to the President of the US. on whom also the continuance in office depends. on a vacancy of the office of governor, the government devolves on him till a new appointment. these are offices of importance & dignity: and I should hope it would not be unacceptable to you. be so good as to favor me with an answer as soon as you can & accept my salutation & assurances of esteem & respect.

\textbf{TH: JEFFERSON}

John Graham, esq.\textsuperscript{13}

Meanwhile Senator John Brown told the President that he could count on James not accepting his judicial appointment. Jefferson then asked that Brown act until he could find a successor, suggesting the last of May or June, 1805, as a suitable date for a formal resignation. Jefferson promised to send Brown a commission as attorney for the district. The President added, "I am very much puzzled to find judges who can speak French."\textsuperscript{14}

\begin{itemize}
  \item \textsuperscript{12} Executive Journal of the Senate, I, 476-7.
  \item \textsuperscript{13} Territorial Papers, IX, 342.
  \item \textsuperscript{14} Ibid, 363.
\end{itemize}
In New Orleans, on January 8, 1803, Brown, subject to circumstances to which he yielded, declined the honor of serving on the superior court. This he did despite the President's friendly and very flattering notice of his change in official standing. He was forthright in his statement of reasons:

... I have made an experiment in housekeeping in New Orleans and find that the hire of a small but decent house, servants' hire, and forage for two horses, have precisely exhausted my salary as Secretary, leaving the important articles of food, raiment, wood &c. entirely unprovided for. I had however hoped that by engaging professionally in a few weighty causes where the fees were considerable I could subsist without embarrassing myself, exhausting my little acquisitions, or meanly supplicating my government for an increase of salary —my knowledge of the French and Spanish languages and my reputation here as a Lawyer to which rumor had more than done justice, insured me success in the path which I had chalked out for myself. To accept the office of a Judge at once deranges these plans and subjects me not only to the loss of a moment peculiarly favorable to the advancement of my private interest, but what is more serious to a loss of nearly 3000 Dollars annually.

The idea you have adopted of appointing to the Bench gentlemen who understand the French language is correct, and its beneficial effects have been evinced in the satisfaction of the people have discovered on the arrival of the two Judges already here. Feeling myself in some degree restored to the independent ground of private life I will go farther and suggest an opinion that half the discontent existing here have been produced by the total want of a knowledge of that language on the part of some other officers of the Government.15

His final sentence was directed at Claiborne who, in Brown's opinion, wasn't doing as well as anticipated in his...
study of French.

In a letter to his friend and former neighbor, Senator

John Breckinridge, Brown amplified his position on January 15:

... You concluded correctly when you formed
the opinion that an appointment in the Judiciary
would not meet my wishes. Indeed situated as I am
it would have involved me in serious inconveniences
to have accepted it. My funds are all in Kentucky
and cannot be abruptly transferred without very
heavy sacrifices—The rent of a plain but decent
House, the hire of four Servants, and the forage of
two horses would precisely exhaust the Salary of a
Judge, leaving him destitute of food, raiment, and
wood, and the thousand unenumerated articles which
enter into the details of house keeping. Thus sit-
uated could not avoid resigning and my only con-
cern was to avoid giving pain to the President who
I believe in this instance considered himself as
conferring a serious benefit. I have endeavored to
impress him with the reasons which induced my resig-
nation, and to assure him that no change in my sit-
uation could eradicate my partiality for the system
which he has so successfully administered.

You will discover that the Governor is the sub-
ject of some warm attacks in the papers of this
City. The situation I have lately filled has given
me the means of judging his conduct and talents, but
has at the same time imposed some reserve in alluding
to his official conduct. This reserve is increased
by my aversion for personal politics to which I feel
sensible I have devoted too much of my youth, and by
my wish to confine my future views to the sphere of
my profession which is now my only support. Indeed
the facts allowed to happened long before my arrival
and consequently I can say nothing about them. Ignor-
ant of the languages of the Country he labors under
great disadvantages, and finds it impossible to with-
stand the general cry of unpopularity with which he
is assailed. Happily for JF Jefferson the same dis-
like does not exist as it respects the Judiciary.
The Judges speak French are extremely popular and
have done much towards quieting the public mind--
... The French & Spanish languages have been
of real use to myself here and have enabled me to
serve the views of Government. They have introduced
me into every circle and have afforded me the means
of giving assurances to the Citizens respecting the
intentions of Congress which have given general satis-
faction. In my profession I should starve without a knowledge of these languages. . . . 16

Commissioned secretary of the Territory as of October 1, 1904, Brown arrived in New Orleans in early November. On the first of December, Jefferson declared the office vacant but Brown continued to perform the duties of the office until January 22, 1805.17

His term of office thus was less than four months. His successor did not reach New Orleans until June 3, 1805. Therefore the Territory was functioning without benefit of a secretary between the dates last mentioned. Brown held a commission as judge of the superior court and had been asked by Jefferson to serve until May or June. There is no evidence to show that he served as judge.18

Claiborne wrote the President in the matter:

... Mr. Brown has mentioned to me his Intention to decline serving either as Judge or Secretary; the salary is not sufficient to support him comfortably, and finding a great opening at the Bar, he thinks it his duty to pursue his profession, and the more so since his private Resources are too limited to justify any sacrifices. — I regret the resignation of Mr. Brown; in any Character his services would have been valuable; but his knowledge of the Law & of the Languages, would have rendered him an acquisition of the Territorial Bench.—The sudden introduction of our Languages into Louisiana has indeed subjected the citizens to considerable Inconvenience and given rise to much discontent. . . . 19

16 Territorial Papers, 369-70.
17 Ibid., 516, 569.
18 Ibid., 363.
19 Ibid., 366.
On March 12, 1805, Brown wrote Henry Clay that pressure of business arising from two courts in session at the same time had delayed a reply to his letter of January 28 and added:

... My success as a lawyer continues to be flattering and if the change in our government contemplated by Congress does not obscure my prospects, I hope to acquire the means of a genteel support in a few years independent of my profession. My knowledge of two or three of the modern languages has saved me from ruin, or what was bad, a resort to Kentucky for the means of support. I stand at the head of my profession and am employed in every important case, whilst lawyers of respectability who cannot speak French or Spanish are left without the means of a decent support. In a few months our Courts will close and I shall retire to a beautiful farm I have purchased about 34 miles above the City. The Tract has 160 acres of cleared land, and a house 75 by 40. I have some thought of persuading your neighbor Maj'r Wagnon to come down and become my tenant. The Stage stops there. The stand is excellent for a public house, and six or eight of the gentlest families in Town would join me in spending four or five months during the sickly season at that delightful retreat. If he moves he ought to be here by the first of June or sooner if possible. You may sit down and tax your fancy to the extent of her power which I know are fruitful and she cannot create such a Country as borders on the Mississippi. ... 20

Again to Clay in October, he wrote:

I received your very agreeable letter two posts ago, and should have answered it immediately had not the bustle of returning to Town, the trouble of re-establishing myself, and the pressure of business postponed during my stay in the Country prevented me from performing my inclinations. My letters from my retreat on the Coast?I must have from time to time assured my friends of the health and happiness which were enjoyed by my fellow traveler and myself during the summer months. On our return we found our friends healthy, and happy to see us, and hope, if exempted

21 The German Coast region on Mississippi River above New Orleans.
22 Mrs. Brown.
from accidental and violent death to remain safe until
the next season. In fact my opinion is that the Island
of Orleans is as healthy as the County of Fayette and
more favorable to longevity. You are too young as
yet to feel any inducements to establish yourself here
founded on the latter consideration, and I am happy to
hear that your own health and that of your family has
greatly improved during the last year. On all hands
it seems agreed by such of your country men as visit
us that you are at the head of your profession, and
are rapidly growing rich. Indeed some accounts assure
us that you are acquiring money "as fast as you can
count it." All that I can infer from this is that
you are doing extremely well. . . .

The President informed Governor Claiborne of Brown's ap-
pointment as district attorney on March 14, 1805. A few days
later the Secretary of State sent Brown his commission and in
his letter of acknowledgment dated May 7, he wrote:

SIR, I have this day had the honor of receiving
your letter of 22d March inclosing me a commission
as Attorney of the United States in and for the
Orleans District.

For this renewed mark of Executive confidence,
and for the polite terms in which it has been con-
veyed, I take the earliest opportunity of express-
ing my warmest acknowledgements.

The President had been pleased some time ago
to express to Governor Claiborne his intention of
transmitting me the appointment of Prosecutor for
this District. Having made some engagements
against the claims of the United States, to more
than the amount of a year's revenue, of the office;
I expressed my wish that the appointment might be
employed as an inducement to some gentleman of
sound legal information and Correct political prin-
ciples, to remove to this Country. This letter I
presume had not been received at the time of pre-
paring my Commission. Sensible that the revenue

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23 Area bounded by the Mississippi River, Bayou Manchac,
Amite River, Lakes Maurepas, Pontchartrain, and by
the Gulf of Mexico.

24 Fayette County, Kentucky.

department requires the immediate aid of a District Attorney, and conscious that my resignation of the office of a Judge (rendered necessary by imperious circumstances) had already in some degree embarrassed the plans of the Executive I resolved to relinquish my engagements however profitable, and lend myself to the public necessities. . . .

A second commission covering the appointment to the same office was sent to Brown and accepted by him on August 24; his answer was received in Washington on October 1, 1805.\(^{27}\)

In June Albert Gallatin, Secretary of the Treasury, notified Jefferson of his intention to appoint Brown agent of the United States to investigate land claims. The suggestion met executive approval and on July 5, 1805, Brown was commissioned as agent and was assigned the Eastern district of Orleans and New Orleans.\(^{28}\)

Congressional action was had on Brown’s appointment as district attorney in December, 1805. His nomination to the office was sent to the Senate on the 20th and was confirmed three days later.\(^{29}\)

Brown continued in his dual capacity of attorney and agent for more than two years to the annoyance of other aspirants. His letter of resignation as attorney addressed to the Secretary of State related:

\(^{26}\) Territorial Papers, IX, 448.
\(^{27}\) Ibid., 494.
\(^{28}\) Ibid., 457, 468-9.
\(^{29}\) Executive Journal of the Senate, II, 8, 10.
SIR, I have the honor to request your acceptance of my resignation of the office of District Attorney of the United States for the Orleans District.

In adopting this measure which a variety of private considerations render indispensable, I should do great injustice to my feelings should I omit expressing gratitude for the confidence in my character evinced by the manner in which that office was conferred; and I should do equal wrong to my real sentiments were I not to declare that the present administration has merited and enjoyed my highest confidence.

It gives me singular pleasure to inform you that not a single criminal case is now depending in this District Court; and that at the January term I shall obtain judgments on the only two or three bonds for duties which are now in suit. Until the end of that term I shall continue to attend to any business of the United States which may render the attention of a District Attorney necessary; and shall, until a successor is qualified cheerfully advise the Collector in all cases where he may wish for legal advice.

With real respect and esteem I have the honor to be Sir Your Most Ob't Servant

JAMES BROWN

The Home, James Madison

P. S. As vessels are daily expected from England against which it may be necessary to file libels under the non importation Act, and as the name of a District Attorney seems essential in these cases, I could wish that my resignation should be considered as taking place on the 1st of February next. J. Brown

In the midst of his many duties, Brown found time to write his father-in-law, Thomas Hart, at the old Lexington home, jollying letters along the tenor of this portion:

... prepare yourself therefore to be amused and amusing for the visit to Kentucky will be principally on account of yourself and a few chosen friends, and the length of my stay will depend upon the mode of my reception.

In a country like yours overstocked with unprincipled speculators, lying jockies, peddling retailers and idle whiskey drinkers, I am not surprised that you should offer us a
shipment by the first spring flood. Most of the articles sent from your country to our market are of the same fraudulent rotten stamp; and the very name of Kentucky is an epithet of reproach in every port of the Mississippi. Go on then and send us decayed hemp, sour weevil-eaten flour, tainted meats and tainted characters. They can do no harm here. Your productions, and your people are alike unknown and distrusted. The former will bring no cash, the latter will get no credit. By these observations I would not be understood as reflecting upon the inhabitants of your country generally. No, I have left behind me a class of men who, if they were known here would in part wipe away the stain which may of your Mississippi boatmen and traders have stamped upon the character of Kentucky. 31

Upon arrival in New Orleans, Brown met Edward Livingston, a fellow adventurer, who had attained eminence in New York and whose career in that region seemed secure until the bad faith of a trusted friend brought financial disaster to him. He, too, was seeking fortune in the region his brother, B. B. Livingston, had helped to secure for the United States. James and Edward became friends despite similar professions and ambitions. Brown was anxious to have a good code of laws adopted for the government of the Territory. He wanted Livingston's aid but was deprived of it because of friction between Livingston and Governor Claiborne. 32

During the first session of the first Legislature of the Territory of Orleans, Brown and Moreau Lislet were named in a resolution adopted on June 7, 1806, to prepare a Civil Code for the Territory. 33 The result of their labor appeared in small

32 Territorial Papers, IX, 379.
33 Acts passed at the first session of the first Legislature of the Territory of Orleans, 314–16.
work bearing the lengthy title, "A Digest of the Civil Laws now in force in the Territory of Orleans, with alterations and amendments adopted to its present system of government. By Authority." It was published in 1808 at New Orleans by Bradford and Anderson, printers to the Territory. The names of the compilers do not appear in the work. Their connection with it is established by the official records relating to employment for the task and payment for it. Something of the undercurrent of petty bickering existing in the Territory's official family is revealed by Claiborne in a letter to the Secretary of State transmitting a copy of the Civil Code. Of the region's first American legal work, he wrote:

... You will find the English Text extremely incorrect;—This is attributable to the circumstance of the Work having been written in French, and the translation prepared by persons who were not well acquainted with the English language;—So erroneous does the translation appear to be, that it will probably be necessary to declare by Law, that the French shall (solely) be considered the legal text. 

--It having been understood by our Courts of Justice that the principles of the Civil law, (except in criminal cases) were in force in this Territory, it became desirable to place them before the Public;—Heretofore, few Citizens had any knowledge of the existing Laws; not even the Magistrates, whose duty it was to execute them. Under these circumstances, I could not do otherwise than sanction the Code. My first object has been to render the Laws certain;—my next shall be to render them just, and to assimilate our system of Jurisprudence as much as possible, to that of the several States of the Union.--.

34 Territorial Papers, IX, 302-3.
Philip Grymes, who followed Brown as district attorney in 1808, became displeased because the latter retained the land agent's job with its annual salary of fifteen hundred dollars. Not satisfied to solicit the place on his own merits, Grymes wrote his fellow-Virginian, Jefferson, that he would "be warranted by Mr. Brown himself in saying he is injurious to the present Administration: to the Government of this Territory he certainly is. . .".35

He also wrote in similar vein to the Secretary of the Treasury. Governor Claiborne supported Grymes in his attempt to secure additional income. He stressed the fact that Brown had held two salaried jobs at the same time. He told Jefferson that he felt no delicacy in giving out his opinion that Brown ought not to be continued as land agent. He wrote the President:

Independent of other considerations, on the subject of the Batture, he has embarked for valuable considerations in the Cause of Livingston, and of course, the benefits of Mr. B's talents, such as they are, must in that case be lost to the Government.36

In view of Jefferson's great personal interest in the case, mention of the batture matter was a telling blow at Brown, whose service as district attorney had continued to March 31, 1808.

Grymes didn't secure the land agent's position but he was made register of the Land Office for the eastern district of the Territory on Feb. 18, 1809.37

35 Territoryal Papers, IX, 803.
36 Claiborne Letters, IV, 204.
37 Territoryal Papers, IX, 772, 812.
Brown's business affairs in Kentucky were handled jointly by Henry Clay and Dr. Samuel Brown until 1806, when the latter joined his brother in New Orleans. Thereafter Clay managed the business to his client's satisfaction. Late in 1805, Brown had written Clay that if his Kentucky debtors would pay him honestly he would have a fortune that would permit him to go from labor to ease. 38

In comparing the climatic merits of New Orleans and Matches with Lexington, Brown told Clay:

... You are right. No evidence in my reach has served to convince me fully that either New Orleans or Matches is as healthy as Lexington, and much as I wish to see you display upon a new theatre talents which from frequent experience of their powers I have learned to respect, I never have advised you, I cannot yet advise you to change your establishment. One summer is too short to warrant favorable conclusions. We wait another and another—and then if you who are your harbingers can report favorably you may venture—but until then I beg of you to remain where you are. Having so long escaped, there is every reason to believe that we have not accosted and may promise ourselves many happy days in the Country. We are now fearless of danger from the ordinary bilious fever, and too sensible of the terrors of yellow fever to risque that dreadful contagion. Before it can approach the town we shall have found an asylum on our farm, far beyond the reach of its ravages. 39

In the same letter Brown revealed that he wasn't wholly a money-making machine. He informed Clay that he was sending some good wine "to be drank" by the judges and lawyers at River June Session of the Court of Appeals.

39 Ibid., 8.
Brown's Lexington home was sold for thirty-one hundred dollars. This sale showed his decision to break wholly from the old ties in Kentucky. A few months after this transaction, Governor Claiborne informed Jefferson that Brown was preparing for the culture of sugar the next year, having purchased an estate for which he had paid sixteen thousand and which he would not now sell for forty thousand dollars.

Following the death of their father-in-law, Thomas Hart, at Lexington in 1808, Brown wrote to Clay in a philosophical vein. He said he was sorry that Clay did not live in better times because he had the talents to adorn a public station and be of service to his country. He urged Clay to muster up enough philosophy to stand up under all the hard names with which he would be christened in the papers if he entered public life. "Republicanism," he said, "demands that a man of talents should be kept down by detraction." He believed that too much genius, as too much wealth, destroyed equality, the very soul of democracy.

In the Territory of Orleans, as in many states of the young republic, adventurers were common. Great opportunities, great dreams and great desires were in evidence. Ambitious men, lusting for empire, toured the vast regions of the west. Aaron Burr, whose name has long been at the head of these adventurers,

40 Kentucky Register, Vol. 43, p. 47.
42 Colton, op. cit., 16.
visited the Mississippi valley in 1805. At New Orleans, as elsewhere, he was given cordial treatment. It is likely that he visited James Brown. Burr's father was president at Princeton when Brown's father was there. Burr and John Brown had been Senatorial colleagues for several years. Burr, as vice-president of the United States, had frequently yielded the gavel to John Brown, president pro tem of the Senate. On his way south Burr had visited in John's home at Frankfort. It was the natural and social thing to entertain so distinguished a man. History has not yet pushed aside the curtain to reveal the true circumstances in the Burr mystery. No man can, as yet, relate the subject matter of the conversations between Burr and many of the men incriminated with him in the sensational charges of conspiracy. In that day many remembered that Burr's record in the Revolutionary war was a great one. He had seen action at Quebec and Monmouth and had suffered at Valley Forge. His had been no mere lip service in his country's struggle for autonomy. True, he had killed Alexander Hamilton in 1804 while vice-president. But duelling was then a favorite outdoor method of settling personal quarrels in many parts of the country, especially in the West and South. It was no coward's pastime.

There is not much material dealing with the relations of Burr and James Brown. Historian Henry Adams twice mistakenly connects Brown with Burr, first as having married Mrs. Burr's
sister, and second with being his creature. Adams confused James with Joseph Brown, possibly by transcribing "Jos." for "Jas."

Nearer home, others who knew James personally tried to involve him to his hurt. Wilkinson, in his frantic efforts to appear undefiled to Jefferson, mentioned Brown as suspect in the Burr affair.

True, Brown had resisted the suspension in 1807 of the writ of habeas corpus during what he called "Wilkinson's winter of horrors." Governor Claiborne in a letter to Jefferson on May 3, 1807, seemed over-anxious in his defense of Wilkinson. Wilkinson, according to Claiborne, had opposed Burr from principle and his acts were directed by the purest motives of honest patriotism. He added that certain emigrants from New York and Kentucky were among those who protested against the treatment meted out to Burr and his associates. He congratulated the President on the ease with which the attempt to divide and ruin their beloved country had been defeated.

44 Ibid., III, 219.
45 Dr. Joseph Brown, of New York, whose wife was Mrs. Burr's half-sister, received appointment as secretary of Louisiana Territory with headquarters at St. Louis, in 1805.
46 Colton, op. cit., 17.
47 Territorial Papers, IX, 731.
The growth of Brown's fortune may be followed in his letters to Clay and others. He frequently let it be known that his practice had been more than he had any right to expect. Brother Samuel had hoped that James might quickly feather his nest. Brown would be censured today for aiding in a case like Livingston's Batture while serving as a government attorney and land agent. It may have been legal in his period. In 1810 when no longer serving as attorney, he told Clay of Jefferson's unwarrantable contempt of the Orleans Court in taking the Batture by military force in the face of the Court's decree otherwise. Brown also gave Clay the boundaries of a state to be taken from the Louisiana area. It was to be bounded on the north by the thirty-third degree of latitude, the Mobile River on the east, the Sabine on the west and the Gulf on the south. This immensely wealthy region, he thought, would be populous enough to be admitted to the Union.

Brown also suggested to Clay that he might do well to sponsor the plan of giving the vacant lands liberally to settlers. He thought this would do more for Clay's political fortunes than raising Cavalry to fight the British Navy.

The agitation for changing the district from territory to state went on steadily. Early in 1811, Governor Claiborne was delegated by Congress to call an election of members to a Constitu-

49 Ibid., 13.
50 Ibid., 12.
tutional Convention. On May 30, he issued a proclamation authorizing the people to elect members to a Convention to meet in New Orleans on the first Monday in November. James Brown was elected as one such member from the county of the German Coast. This was a significant event in his career. It was the sole time in his life that he won a political place at the polls.

The Convention met in New Orleans on November 4, 1811, and following temporary organization, adjourned for two weeks. The work was resumed on November 18th. James Brown was appointed to the committee to draft a constitution and on other assignments relative to the work of the body. On the last day he was called to preside during the ceremony of giving a gift to the permanent president, Julien Poydras. The Convention adjourned, sine die on January 28, 1812, having complied with the conditions fixed by the Congress. The Constitution adopted by the Convention was forwarded to the President for legislative and executive approval. One unusual feature of the Constitution was in the preamble which contained a statement of the state's boundaries. The name Louisiana was chosen for the state-to-be in preference to Orleans and others.52

The Legislature met in its first session at New Orleans. On September 3, 1812, five names, Brown's among them, were balloted on; the two highest were to have the seats in the United States Senate to which Louisiana was entitled in its new status in the Union. James

51 Territorial Papers, IX, 963.
52 Journal de la Convention d'Orleans de 1811-12 (Jackson, Le., 1844), passim.
Brown received sixteen votes, enough to give him third, but five less than both victors. Jean N. Destrehan, one of the newly chosen Senators, declined the high honor, but waited until the session's end before making his decision known. Governor Claiborne then appointed Thomas Posey to fill the vacancy. The Legislature convened for a second session in a few weeks. It proceeded to elect a senator on December 1, 1812. James Brown led Senator Posey on the first ballot and won over him on the second by 26 to 14, cutting short Posey's service. Brown's victory was a bitter dose for the Governor who ascribed his appointee's defeat to the work of Philémon Thomas.

Brown made the necessary adjustments for his change from private duty to public service. In a few weeks he and Nancy were in Washington. In the Senate on February 5, 1813, James Brown produced his credentials, was officially qualified, and took his place among the members. He ranked now with brother John.

53 Senat de l'État de la Louisiane Premiere session de la Premiere Legislature de l'État de la Louisiane. (Nouvelle Orleans), 1812, p. 80.

54 Rowland, ed., Claiborne Letter Books, VI, 209 et seq.
CHAPTER FOUR

SENATOR JAMES BROWN OF LOUISIANA

The United States had been at war with England for several months when James Brown began his senatorial career. The young national capital was filled with war fears and was suffering from war nerves. America's surprising victories at sea had been offset by inept leadership on land. Brown's brother-in-law, Henry Clay, was a dominant figure in Congress, being Speaker of the House. As a leading War Hawk, Clay had helped plunge the United States into a war for which it was poorly prepared and through which it was to muddle groggily to a lack-luster draw. English strategy had been at work to divide and ruin by setting section against section. The New England states had been spared from attack and had built up a profitable trade with the English forces. Hence, there was not much support of the country's war effort in that region. The coastal areas in the southeast and south were in constant danger from British raiders. New Orleans, as the principal southern port, was certain to be a main objective for attack.

James Brown owned property in Kentucky and Louisiana and he was gravely concerned about the nation's shaky situation.
He participated in the Senate's routine work from the first. At the time he entered, the body consisted of thirty-six members. It was thus a deliberative body of about the same size as the average state senate of today.

Brown's first affirmative vote was cast on February 5, 1813, the day he was seated. He voted for an Act authorizing the President to take possession of a tract of country south of Mississippi Territory and west of the river Perdido.1

Strangely, Brown's first nay vote was on a measure attempting to give a small pay increase to district judges.2

The second session of the Twelfth Congress, Brown's initial session, ended on March 3, 1813, less than a month after he took office.

The Thirteenth Congress held three sessions. The first covered the period May 24 to August 2, 1813; the second, December 6, 1813 to March 18, 1814; and the third, September 19, 1814 to March 3, 1815. Brown was present most of the time and his vote, while generally with the prevailing side, seems to have been wisely cast.

He promoted bills to establish post roads in his state. One was to run from Blanchardsville by way of Assumption to "Opelousa." A second was from Assumption to La Fourche Interior and a third from Concordia to Washita.

Brown, himself a sugar planter, voted to retain a subsidy on sugar. He also voted to tax imported salt, his decision to do so not necessarily arising from the fact that Dr. Samuel Brown was part owner of a salt mine in Kentucky.

Brown was on the losing side in the failure to confirm Albert Gallatin for the Russian Commission when his name was first proposed. Brown also supported Gallatin on February 8, 1814, when the appointment was approved by the Senate.

One of the few instances of agreement between Claiborne and Brown is found in the former's approval of Brown's support of Gallatin. Both had dealt with him during their office-holding days in Orleans Territory.

Between sessions in the summer of 1814, the Browns travelled in New England. They spent more than a month in Connecticut. He wrote to Secretary of State Monroe from Middletown in August to secure a favor for a friend. He was pleased, he wrote, to discover a general disapproval of the violent politics of the Bostonians. He had not met a man who did not spurn the thought of dissolution of the Union.

On his return to Washington, there began a correspondence with General Jackson that continued for several months. Brown revealed his great concern over invasion of

4 Padgett, "Letters to Presidents," loc. cit., 19
the South and expressed his ideas of what should be done to meet the foe's threat.

The situation was bleak. Washington had been sacked. The capitol had been burned. The Senate had to find temporary quarters in which to function.

Meanwhile, Henry Clay and the other American Commissioners had arrived in Ghent in June, 1814, only to meet delay until August by English request. The enemy's strategy was delay in hope of larger military gains before gathering at the peace table. After much maneuvering by both parties, a ten-point treaty was ready for signature. 5

And at New Orleans a powerful English force had gathered to reduce the city and capture the rich Mississippi Valley. General Jackson was present to resist but the outlook was bad. Brown, nearing fifty, was unable to render much physical aid. In fact rheumatism in his right arm made it almost impossible for him to write. On January 3, 1815, he wrote to Jackson to let him know that his presence in New Orleans had in some degree revived desponding spirits. The General must have been touched by Brown's confidence when the letter was received after the Battle of New Orleans. 6

On February 20, 1815, Brown wrote to Jackson to explain why military supplies had failed to be forwarded in time for use

during the battle. 

Always staunch in support of his friends, Brown defended Acting Secretary of War Monroe in these terms:

... Those who confer the greatest benefits upon their Country may themselves be laid under lasting obligations to others. To a generous mind it gives pleasure to acknowledge these obligations. I should be unjust to the Secretary of War as well as to yourself did I not place his conduct in its true light, and assure you that he has exerted every nerve to place within your reach those means which have under your able direction contributed to save our Country and to secure to yourself an imperishable fame. In every instance he has discovered a sympathy for our Country, an anxiety to promote its interests, and a confidence in your zeal and capacity, which entitle him to your esteem, and that of every honest American. It will afford you pleasure, I am sure, to give, and Mr. Monroe to receive assurances, that his patriotic, liberal, and prompt conduct on the late trying occasion has been well understood and duly appreciated by you. I have witnessed every exertion he has used, he has submitted to my inspection almost every order he has given pending the eventful effort to save Louisiana, and I pledge my honor to you that when I have the pleasure of seeing you, and detailing these at large, you will be sensible that all was done that could be done. ...  

One of the few speeches by Brown printed in the Annals of Congress was delivered in February, 1815, shortly before the close of the Third Session of the Thirteenth Congress. It is quoted herein to show his style.


8 Ibid., 29-30.
Mr. President: Having the honor to represent the State which has been the theatre of the events which it is the object of these resolutions to commemorate, it might be considered an evidence of great insensibility on my part, did I not rise for the purpose of expressing my most hearty approbation of them.

The reflecting mind, in reviewing the eventful measures by which the people of Louisiana have been conducted from a position of extreme peril to a state of perfect security, is irresistibly led to acknowledge the protecting hand of an all-wise and beneficent Providence, whose dispensations it is our duty, in grateful humility, to reverse.

The richest reward which a nation can bestow on its distinguished benefactors, is to be found in the unanimous expression of a nation's gratitude. On no occasion has the united voice of national feeling been more distinctly heard, than on that which is the subject of our present deliberations. The measures adopted by General Jackson for the protection of Louisiana, and their happy results, have been succinctly detailed in his own simple, perspicuous, and modest narrative. It is not now necessary to recapitulate the facts. It is enough that we fix our admiring eyes on their fortunate results. If to disconcert the gigantic plans of the enemy—to disappoint his extravagant expectations—to humble his pride—to destroy a great part of his hitherto invincible army—to expel them from our soil and save a State to the Union, and to accomplish all with a comparative loss unexampled in military annals, can entitle a brave general and a gallant army to the thanks of a generous people, then are General Jackson and his followers entitled to the wreath prepared for them by these resolutions. I shall not follow the deliverer of Louisiana through the blaze of battle and the shouts of victory; I am not so weak as to believe that my feeble voice can add lustre to deeds like his—"to deeds without a name." The tears of admiration and gratitude which moisten every eye whilst surveying the scenes like these, admonish me, that it is best to indulge in the silent sentiment of unutterable joy.

The army of General Jackson was principally composed of militia corps, a species of forces hitherto not considered as the most efficient, which had been hasty collected from the States of Kentucky, Tennessee, Louisiana, and the Mississippi Territory. It is equally honorable to
these soldiers, and to their commander, that no jealousies or dissensions disturbed the harmony of their camp, and that all united in facing the foe with a courage, an energy, and enthusiasm, rarely witnessed in an army of veteran troops. All were animated by the same soul, and the only contest which existed among them was, who should be foremost in the hour of danger.

The citizens of Kentucky, since the commencement of our present struggle, have obtained a character so elevated for patriotism and devotion to the best interests of their country, that it can receive no additional lustre from any expression I can employ. The State of Tennessee has exalted claims to the approbation of the nation. To that State we are indebted for the safety of our country when threatened by our savage neighbors, and the part which her citizens have acted on the late memorable occasion, will afford to their latest posterity a rich repast in the page of impartial history. One-third of the militia of this State, having no exposed frontier to protect, and threatened by no immediate danger, cheerfully left their friends and their families and flew to the assistance of Louisiana. Generous people! on behalf of those you have succored in the hour of peril, I thank you—from my heart I thank you!

Reflect, Mr. President, on the rapid march of General Coffee and his volunteers to Mobile, to Pensacola, to New Orleans, a distance of more than one thousand miles. Consider the difficulties of the route, and you will admire the perseverance of the commander, and the patience and discipline of his troops, as much as you will applaud the unsuited bravery they displayed on the memorable eighth of January. See the brave and indefatigable Carroll descending the Mississippi with an army of three thousand men, and accomplishing his voyage in a space of time considered too short to enable the greedy speculators, in search of a market, to conduct a single ark to the same point of destination. It is to such men, and to such exertions as these, that Louisiana is indebted for her safety, and so long as gratitude shall be considered a virtue, shall these brave men be held in grateful remembrance.

On so much of these resolutions, and other resolutions now under consideration, as relate to the militia and people of Louisiana, it would not, perhaps, become me to enlarge. Attached, as I feel myself, to the generous people of that State, by the recollection of a thousand proofs they have given me of their kindness and confidence, I could not profess to be their impartial sulpist. That their conduct on the late trying emergency has been such, as not only to fulfill the predictions of their friends, and efface the unfavorable prejudices of those who until now were strangers to their true character, but also to receive the approbation of the nation, is to me a source of inexpressible pleasure.
Mr. President, I fondly hope that the dawn of peace is about to break upon our beloved country. Cheered by its benignant rays we look into futurity, and calculate the influence which the recent events at New Orleans may have upon the destinies of this nation. To foreign Powers, the lesson taught by them will be full of instruction. From the fate of a powerful army invading a portion of our country, hitherto considered the most assailable, they will learn that free men, impressed with a sense of the value of their rights, and armed in defense of their own soil, are invincible. At home, the effects of these brilliant achievements will be salutary and beneficent. Should the inhabitants of any portion of this Union, from incorrect sources of information, have received impressions unfriendly to the character of the people of Louisiana, let them reflect on the events of the 8th of January, and those impressions will be completely obliterated. The ties of interest and affection, which have long attached the Western States to Louisiana, have now become indissoluble. The purple stream of their best blood has united and mingled in the same channel, and has at once cemented their union and that of their country.9

On the last day of the Thirteenth Congress, Brown voted against a decreased military establishment. In a letter to Jackson on the same date, he wrote that the House federalists had worked against adequate support for national defense. Louisiana was deeply interested, he stated, for though her citizens were gallant, she needed a force of regular troops to prepare for any emergency.10

In the First Session of the Fourteenth Congress, December 4, 1815, to April 30, 1816, Senator Brown was unusually active. He presented petitions for compensation for property destroyed by the Army in the New Orleans region and for various sundry objects. On roll call voting, he responded nay forty-five times and yea forty-two times. He was listed as not present on seven

calls. He again voted against increasing judges' salaries but supported a bill donating lands to officers of the Army.

At the close of the session he returned to his German Coast home. On October 6, 1816, he wrote to General Jackson at the Choctaw Agency to thank him for a friendly sentiment in a letter recently received. Brown was being opposed for the Senate seat by Governor Claiborne who was not liked by Jackson. Brown wrote concerning the Governor:

... wherever he moves like the scuttle fish he leaves filthy and troubled water in his wake—I partake with you in the sensibility which the prospect of seeing so insignificant a being elected Senator of Louisiana excites, but I fear we are destined to experience this degradation great as it is—The fund of credulity seems to be inexhaustible—Deceived a thousand times by him, the people appear to be the ready victims of new arts and unless a miracle happens he will be elected—My necessary absence will afford him a fine occasion for making cold blooded and insidious attacks upon me. These hints however are thrown out in confidence, and my apprehensions of the results are founded more upon a knowledge of his arts, and the recollection of his hitherto uninterrupted success, than upon anything I have seen or heard in my journey through the State—Were I to calculate from the treatment I received in a visit to the different Counties, I should be sanguine in my reelection.

The Browns returned by boat to New York in late October and were in Washington for the opening of the short term of the Fourteenth Congress on December 2, 1816. The Senator carried on his work in the same faithful manner as before, handling petitions, committee work and general business as usual.

At New Orleans on January 13, 1817, the Legislature proceeded to elect a senator. When the votes of the first ballot...

were counted it was revealed that Claiborne had received 27 votes and James Brown, 22. For the second time in his life, Brown had missed the Senate by five votes.\(^\text{12}\)

On February 25, 1817, Brown made the last speech of his first Senate term, speaking against the folly of reducing support for the military establishment.\(^\text{13}\)

In May, 1817, Mr. and Mrs. James Brown sailed for France. From Havre in June, Brown wrote to President Monroe to report on some furniture that had been ordered for the White House. The scarcity of food in France was mentioned.\(^\text{14}\)

The length of stay in Europe is unknown as is the date of the return of the Browns to Louisiana. It is certain that they resumed residence and that James continued his law practice.

On January 11, 1819, Brown was elected by the Legislature to a six year term in the United States Senate. He won on the second ballot by a vote of 27 against 22 for all others. His election displaced his former Senate colleague, Eligius Fromentin. In Senatorial contests Brown's record stood two defeats and two victories.

James Brown entered upon his second Senate term on December 6, 1819. He shortly became involved in a matter of social usage

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12 *Journal of the Senate*, 9.
that seems inexcusable in view of his former service at Washington.

It may be indicative of his character and it may explain in part why he so seldom was mentioned by his contemporaries. Brown and Senator Gaillard of South Carolina declined invitations to dine with Secretary of State Adams without assigning reasons. In reality the refusal stemmed from his failure to pay them a formal call. Senator Brown also refused to associate with certain House members because they refused to make the first visit. Brown and Gaillard contended that the Senate, because of concurrence to appointments, was a component part of the Supreme Executive and therefore Senators ought to be first visited by House and Cabinet members. Later on Brown decided that he did not expect a first visit as a Senator but as a stranger. Mrs. Brown claimed the privilege because Mrs. John Calhoun and Mrs. W. H. Crawford, wives of Cabinet members, always paid first visits to all members of Congress who came to Washington. The Browns offered to settle the incident by accepting cards sent by servants. It enlivened the gossip of capital society as did the Dolly Gann affair of a later period.15

Gaillard and Brown turned to other matters and by February were for taking Texas.16

In the debates dealing with the Missouri question, Brown remained silent.


16 Ibid., 518.
During the first session of the Sixteenth Congress, Brown served as Chairman of the Committee on Foreign Relations. In the second session, he was a member of the committee and continued to serve thereon during the two sessions of the Seventeenth Congress. The committee was small, with only five members. Hence all members had an opportunity to become intimately acquainted with the nation's foreign affairs. 17

In November, 1823, Brown was offered the mission to France and decided to accept it. He returned to Washington for the opening of the first session of the Eighteenth Congress to sing his swan song as a Senator from Louisiana.

When Brown retired from the Senate he had served in eleven sessions in six Congresses. His first term ran from February 5, 1813 to March 3, 1817; his second term began on March 4, 1819 and ended with his formal resignation on December 10, 1823. In all these years he had failed to sponsor any outstanding legislation.

17 Eleanor L. Dennison, *The Senate's Foreign Relations Committee*, 163.
President Monroe had a particular reason in mind when he selected James Brown to follow Albert Gallatin in the French post. He believed France was determined to make a fantastic counter-claim relating to the Louisiana region to offset her liability in the matter of the long-owing American spoliation claims. Brown’s long residence and intimate acquaintance in Louisiana made him a formidable man to support the validity of United States cases. Then, too, the French in Louisiana were in touch with the Spanish Americans currently in revolt. Brown, as an envoy from Louisiana, would tend to remind the French court of American interest in that struggle.¹

Prior to final selection, Brown had been under consideration for a diplomatic place for some months. In January, 1823, with twenty-six months remaining in his Senate term, President Monroe had delegated Secretary of State Adams to offer him the mission to Mexico. Although pleased at this expression of confidence in his ability, Brown declined because of the state of society and the condition of the country. He could not think of taking his wife there and

¹ Beckles Willson, America’s Ambassadors in France, 1777-1927, (New York, 1928), 186.
he would not go without her. Adams then suggested as the President
had to nominate ministers to Spain, Colombia, Buenos Aires, and
Chili, he would, on his own authority, ask if any of them would
suit better than Mexico. Brown replied he would have less ob-
jection to Spain, the state of society being better there, but
he still thought he preferred to continue as a Senator. Brown's
refusal to go to Mexico perplexed Monroe. Brown was considered
peculiarly fitted for that mission, as indeed for any other, since
he was a man of large fortune, respectable talents, handsome
person, polished manners, and elegant deportment. Spain was
out of the list as Hugh Nelson, of Virginia, had already been
promised the place.2

Again in August the President had Brown in mind for the
French mission and he was of the opinion that, in the critical
state of Europe, an appointment should be made without delay.3

After a further delay the matter was discussed in a
cabinet meeting on November 15. The President stated that he
was inclined to appoint James Brown, of Louisiana, as Minister
to France, although he had hitherto given him no intimation to
that effect. There followed a general discussion of Brown's
character and qualifications. Secretary of War John C. Calhoun
said Brown had genius but was timid. Secretary of Navy Samuel

2 Charles F. Adams (ed.), Memoirs of John Quincy Adams, Compre-
sising Portions of His Diary from 1784-1841, 13 vols. (Phila-
delphia, 1874-1877), VI, 122-3.

3 Ibid., 174.
Southard revealed that he considered Brown indolent. In the conference, Brown's rheumatism, money, and showy wife were all mentioned. Three days later, Adams, by the President's direction, wrote to James Brown, at Philadelphia, proposing the mission to France. Brown accepted the trust. His name was sent to the Senate on December 8 and came before that body three days later; confirmation was had the succeeding day.

Brown then resigned his Senatorship, a position, so he had told Adams, that had been:

... twice conferred upon him without solicitation on his part, and for which he felt himself under deepest obligations to the people of Louisiana.

Brown settled his affairs and proceeded to New York to take passage on a Navy boat to France. He was detained there for several weeks, first by the captain's illness and next by delayed sailing orders. Cherbourg was reached on March 21, 1824. Mrs. Brown suffered greatly from seasickness. The captain and officers of the Orana were kind to the Browns during the voyage. As many of them as could leave the ship dined with them at Cherbourg and they parted "mutually pleased with each other."

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5 Ibid., 191.
6 Executive Journal of the Senate, III, 343-4.
On April 15, the Browns arrived in Paris, where they had visited as private citizens in 1817, following James' defeat by Clayborne for re-election to the Senate. This time they were official representatives of their country. Brown was not tardy in assuming office. In a letter to the President under date of April 15, 1824, he wrote:

... On the next morning, I addressed to M. De Chateaubriand, a note announcing my arrival, and my public character; and requesting an interview. In his answer, which I received next morning, he appointed the following day to receive me. I waited on him, and presented my credentials, upon which he promised to inform me of his majesty's determination. He seemed to invite a conversation upon the rapid growth and improvements of our Country, which he observed, he had visited many years ago, and I answered his enquiries in the hope that he might touch upon some topic of a political character, interesting to our Government. In this however I was disappointed; and after making him some compliments upon what I had really perceived, as well on my journey, as after my arrival here, the increasing improvement of the Country and towns of France since the peace of 1815, I took my leave. On the 5th he wrote me a note, to inform me, that I would be received by the King on the 13. It was not without some reluctance that I could resolve to make my speech to the King—and my compliments to the different members of the Royal family in the French language, but I was told that it would be better received and therefore I did so. The answer of the King reciprocated, in very neat and appropriate terms, my expressions of kindly feeling on the part of our Government for France and the reception, as well by him, as by each of the royal branches was upon the whole polite. The change in the appearance of the King since I saw him six years ago made a very strong impression upon me. Those however who now know his situation do not express any apprehension for his existence...

The "shy, retiring lady in indifferent health" to a later reporter.


10 Beekley Wilson, op. cit., 186.
She was annoyed in public at first in being pointed out as the Mrs. Brown. As neither she nor James felt they were celebrated enough to warrant such notice, they were puzzled at the attention. It was discovered that the French people thought she was the English Mrs. Brown, morganatic wife of the Duc de Berri, late heir to the throne. After the Duke's assassination she had been well provided for by the French Government. The Pope had annulled the marriage but her two daughters by the Duke had been legitimised. It is not known if she, too, suffered from being mistaken for Mrs. Brown, wife of the American Minister.11

The American Minister personally delivered some books to Barbe-Marbois,12 the gift of his friend President Monroe. He appeared impressed at this show of friendship. He expressed his appreciation of Monroe's message to Congress in December, 1823, which he stated was not only the best but also the best timed state paper he had ever read. Marbois hoped that Europe would be benefited by the check the message might give to a career contrary to his country's own best interests. He expressed a fear that the United States was leaning more toward friendship with England than with France.

11 Willsom, op. cit., 158.
12 François Marbois, Marquis de Barbe, was born in Metz in 1745, and died in Paris in 1837. He was one of the leading statesmen of France for many years. He negotiated the sale of Louisiana to the United States in 1803. He was also a writer of note.—Century Dictionary and Cyclopedia, IX, 623.
Brown, after an interview with Count de Villele on June 22, 1824, concerning the slave trade, reported:

I stated to him the measures which had been adopted by Congress for the abolition of the slave trade. I represented to him the beneficial effects of these measures in having, so far as respected the citizens of the United States, put an end to that disgraceful traffic, and expressed the desire felt by my Government that, by the consent of all civilized nations, the crime of engaging in the slave trade should be denounced as piracy and capital punishment.13

Villele conceded the trade was unprofitable just then. He said the French resented dictation by any foreign power. Only slave-ships from Nantes were in the traffic and Villele agreed to stop these. Later Brown had a long talk with Villele about Mexico. The latter thought King Ferdinand's brother would have been wise to offer Mexico independence in return for the crown.

On the death of King Louis XVIII in September, 1824, Brown observed the period of mourning.14

When an interview was finally secured with Baron Danae, he was disappointed to learn that nothing had been done about American claims and that there was a disposition to add on to the American demand in the 8th article of the Louisiana Treaty. This, in the face of the American minister's strong protest that there was no discernible connection.

The approaching coronation of King Charles X at Reims had France agog. Brown was eager to attend but wanted his expenses

13 Wilson, op. cit., 158.
14 Ibid., 160.
paid by the Government. With Clay in the Secretary of State position, Brown was assured of public payment. Unfavorable incidents arose to mar the pleasant anticipation of taking part in the coronation pageantry. While traveling in Italy, General Devereux, an American friend of Brown, was arrested on order of the Austrian Government. He was confined in the ducal palace at Venice for ten days before Brown could get matters settled for his release.

About the same time Brown was asked to join the other Ministers in Paris in protest at being segregated from the Ambassadors at the Coronation banquet and placed in a dining hall by themselves. Brown, the man who had held out for senatorial courtesy during his final term, wouldn't submit to such unjust discrimination. Even though Nancy had a fine robe in readiness for the great ceremony at Reims, James developed a severe case of rheumatism and was unable to make the trip.16

A second interview with Baron Damas was had. Brown told him that President Adams wished strongly to see the war in South America ended. It had raged for seven years to no purpose. Brown was thanked politely for his altruism and that was that. The President, seeing that altruism was out of the picture, instructed Brown to concentrate on pressing for a final settlement of all spoliation claims—years overdue. Damas told Brown in September that he was prepared to go into the matter thoroughly. When they met in conference, Brown was amazed to be told that the

16 Wilson, Am, 319, 163.
United States claim was unsound. The French contended that the claims arose during a life and death struggle and that settlement would bankrupt the country. Brown was told that the United States should have pressed her claim ten years earlier, a thing that Minister Gallatin had wanted to do. The meeting ended with Danes stating he would consult the King and his colleagues again about what could be done. The French Ministry was to continue its masterful evasion for some years longer.

The correspondence of James Brown from his Paris post is voluminous. It reveals his earnest efforts to carry out his instructions against trying odds. He was not a free agent as he had to follow instructions from his superiors, the Secretary of State and the President.

During his service abroad he and Mrs. Brown were plagued with ill-health. They had escaped the cholera in Kentucky and the yellow fever in New Orleans but the records reveal that both were unwell much of the time after 1813.

The single reference to Brown in Niles' Weekly Register for the years of his service in France is one telling of his visit to Aix-les-Bains in Savoy in search of relief from pain.

At home, President Adams informed the Congress that the spoliation claims had been urged without effect. In Philadelphia early in 1826, a mass meeting was held at which resolutions were adopted asking appointment of a special mission
to France regarding the claims and in case of inaction the federal government was asked to take more drastic action. A schedule of claims was prepared and sent in to Congress in 1827. Clay, Secretary of State, was of the opinion that some concession to France might bring settlement of the pending claims. The President was opposed to allowing any indemnity. Brown was instructed to propose that the interpretation of the eighth article of the Louisiana treaty be submitted to arbitration. France ignored the suggestion. Brown finally wrote Clay that France was unwilling to acknowledge the claims.16

Brown had asked to be relieved of the mission in 1828 before the result of the presidential election was known. With the defeat of Adams, Brown had no desire to continue at Paris. He had had his fill of the French run-around diplomacy. He left the post on June 30, 1829. After a few weeks vacationing in the country, the Browns began the homeward trek, glad to be freed from the duties of their official station. The ocean voyage to New York was made in twenty-four days. James Brown's political career was ended.17

16 Richard A. McLemore, Franco-American Diplomatic Relations, 1818-1838 (University, Louisiana, 1941), 59-62.

17 "Letters of James Brown to Henry Clay," Log. XII, 224
Albert Gallatin, Brown's predecessor at Paris, had served for seven years without securing settlement of the spoliation claims. He resigned the post in despair over the time devoted to a losing cause. Henry Adams says that "he left the whole situation at last...where he found it." Brown had done as well as Gallatin at a discouraging task.18

In retrospect, Brown looked upon his part in assisting in the arrangements for La Fayette's visit to America in 1824-25 as one of the highlights of his service abroad.

18 Malamare, op cit., 33.
In New York, the Browns were received with flattering attention by friends and acquaintances who had been their guests in Paris. A number of prominent men sponsored a non-political public dinner. Philip Hone, W. W. Woolsey, Isaac Caron, George Griswold, Peter Crary, Isaac Hone, George Griffin, R. Bay, Peter Remsen, H. I. Wyckoff and Preserved Fish were joint-signers of the invitation to Brown as an expression of the high esteem in which they held him. They were desirous of showing their appreciation for his uniform kindness and hospitality to his countrymen while representing the United States in France. The banquet was served on the evening of November 6, 1829, at the City Hotel. It was reported to be "one of the most elegant civic entertainments ever held in that celebrated hall." There were about two hundred men present. James Barbour, late minister to England, had been invited but was unable to accept because of business at his Virginia home. Among the dignitaries, were the Russian and Brazilian ministers and Daniel Webster. Philip Hone presided and proposed the toast: "Our distinguished guest, James Brown, late minister to France. Honor at home to him who has done honor to his country abroad."
This and other toasts were drunk amid much good feeling. Brown acknowledged the toasts with a thirteen-point response. He toasted the Union; the prosperity of New York and its people; William G. Rives, his successor at Paris; Washington's memory; commerce; agriculture; manufacturing; schools; "woe to the people who neglect the acquisition of knowledge;" La Fayette, the man of two countries; the acting governor of New York; the memory of De Witt Clinton; the fine arts; the Army and Navy, "always ready, if not always wanted." After covering all this ground, he sat down amidst polite applause.

Then occurred one of those incidents that arise to spoil a perfect evening. An admirer of Webster rose and offered a toast to the honorable gentleman from Massachusetts. It was greeted with nine loud cheers and much enthusiasm. Webster, taken, he said, totally by surprise and unprepared, nevertheless wished to pay his respects to Mr. Brown and proposed the toast: "The diplomacy of the United States—one of the brightest portions of their public history." He expanded his theme in a brilliant, brief speech. When he ceased speaking the hall was filled with loud and repeated cheers. When the meeting adjourned, the talk was all Webster, for he had stolen Brown's show.1

1 Miles' Weekly Register, XXXII, 183-3; The Writings and Speeches of Daniel Webster Unpublished. (Boston, 1903), XIII, 36-7.
On the next day, the Browns proceeded to Philadelphia where they established what was to prove their last home. In late November, citizens of the city gave a banquet for Brown similar to the one at New York but minus Daniel Webster. In letters to Clay at this period, Brown said that political ambition was extinct in his bosom. He declared that he would not again meddle with politics unless driven by "ill-usage or persecution." He queried Clay, "Are you not tired of the troubled ocean of politics or will you again launch into the busy strife?"

He sent four hundred dollars to Clay to be given to relatives in Kentucky. He was distressed because of his inability to loan Clay twenty thousand dollars as requested due to his Louisiana funds being tied up in planters notes at eight to ten per cent interest.

Brown and Nancy had heard of the great improvements made at Ashland, the home of Clay near Lexington. They longed to visit their Kentucky kin but Nancy was too ill to undertake the hard journey. She had to avoid exertion and take care of her health.  

In December, John Quincy Adams wrote Clay:

... Mr. Brown is also at Philadelphia; but my

stay there was so short I did not see him. I hear that Mrs. Brown's health was much improved.3

Dr. Samuel Brown died at Huntsville, Alabama, on December 12, 1829, following a sister's death in November. Death had already taken brothers William and Dr. Preston, the latter being murdered in Kentucky in 1826.

James had intended to visit his sugar plantation near New Orleans in 1830. He was unable to make the trip because of a fever that left him so weak that he gave up all thought of the trip. Nancy's health had worsened. She lingered for several months, exempt from pain, dying on October 19, 1830. James told Clay that he was crushed to earth at her loss. Adams wrote in December, 1830, while at New York:

... Mr. James Brown, our late Minister to France, was lodging here, and spent half an hour with us while we were at breakfast. He was then summoned to embark, having taken passage in a vessel for New Orleans. Since we saw him last May in Philadelphia, he had lost his wife, who, after a lingering and threatening illness, died almost instantaneously about three months since. He is himself very unwell, and looks like a man bowed down to the earth. He goes to New Orleans to meet Mr. Clay.4 Brown spent a few months in Louisiana, 1830-31, on business matters relating to his plantation and other investments.

John Humphreys, son of his sister Mary, was half-owner of the plantation and was its resident manager. In his correspondence Brown occasionally gave an inkling of production

3 Colton, op. cit., 247.
4 Adams, Memoirs, VIII, 249.
under Humphrey's management. In 1827 he reported a half million pounds "of the very finest sugar" and a large quantity of molasses. Much of the sugar was sold at six and a half cents a pound. The 1826 crop had been about the same. He regarded the 1830 crop as a failure.

Brown visited in Kentucky in the spring of 1831. From Philadelphia on June 2, 1831, he wrote Clay that his health had been improved by the trip from Lexington to Philadelphia by stage. He stated that his niece, Susan, the daughter of Dr. Samuel Brown, was also in better health. He wrote Clay that he had loved her father "perhaps more than any other man." He authorized Clay to draw on him for five hundred dollars to be distributed to relatives in Kentucky.

A Free Trade Convention was held in Philadelphia in 1831. Louisiana did not send delegates. Brown attended and was honored by being given a seat within the bar.5 Josiah Stoddard Johnston, Brown's friend and successor in the Senate was also present as an onlooker. Their acquaintance dated from the Lexington days. Mrs. Johnston had been visiting in Philadelphia at the time of Mrs. Brown's death. The Senator wrote Clay an account of the incidents of her passing at the request of James and Susan. Their meeting in 1831 was a reminder of that sad event.6

5 Professor Walter Prichard, Outline of Louisiana History, (Univ.), 104.
6 Colton, op. cit., 285.
Brown was concerned over rumors that the sugar crop did not promise well. In December, he postponed a trip to New Orleans due to Susan Brown’s marriage. A short time later he received serious injuries in a fall. In late January, 1832, he went to Washington to visit Congress. He still knew a majority of its members, many of whom he held in high esteem. The trip proved more strenuous than he had expected. Again he had to defer a trip to New Orleans.

Mrs. Thomas Hart, his mother-in-law, died in August. In a letter to Clay he expressed the hope that she and his beloved Nancy had been reunited in the regions of everlasting bliss.

To Clay in November he wrote that South Carolina would try nullification and that the result would be either concession on the part of the tariff states, or secession from the Union on the part of South Carolina and perhaps all the anti-tariff states, or an appeal to force. He was keenly interested in public affairs.

The records indicate that Brown suffered paralysis in 1833. In July, 1834, he wrote Clay that his health was bad and that he had little hope of an entire recovery from his long illness. His life, he stated, was held by a thread. Wine was denied him and he was forced to give up reading. He was disturbed at the necessity of closing his partnership with Humphreys. He informed Clay that his wife’s people, by her will and his, would own the moiety of his half of the plantation and negroes thereon, together with the house and lot in New Orleans. John Brown was to advise
with Clay about the share for the Brown family's heirs. The plan-
tation contained seventy acres front with a death by Spanish con-
cession of forty acres plus forty more by a grant of Congress.

John Humphreys went to Philadelphia in August, 1834, to at-
tempt a settlement of their partnership affairs. Brown was too
ill to carry on the business. In October he gave Clay additional
information about his resources, feeling that his days were
numbered. Early in 1835, he wrote a last short note to Clay
authorizing him to distribute half of the proceeds from the sale
of the Louisiana property to his wife's heirs. He said he was
still in wretched health. It is believed that this letter was
written on April 7, 1835, the day of his death. 7

So closed the life span of James Brown at a place not far
from the site of his birth. In less than sixty-nine years he
had acquired a fortune by his own industry and had held several
responsible positions. In his lifetime the American colonies
had broken away from British control and formed a more perfect
union. Brown had witnessed the formation of the United States.
He had been a part of the West and had aided in its development.
Through some strange quirk, oblivion seems his lot. He lacked
the knack of doing things that were singled out as important
in historical significance. Some defect of personality was his

that kept him from greatness. Nowhere in the material examined by the writer is there a suggestion that Brown was called Jim or Jimmy by his associates. This may be an explanation of the reason why so many of his contemporaries failed to mention him in their diaries, journals, and memoirs. In death, as in his life, he appears destined to be recalled as a relative of Henry Clay. At his death, Miles' Weekly Register condensed his obituary notice to these few lines:

James Brown, Esq., formerly a senator of the United States from Louisiana and minister to France, etc., died suddenly of apoplexy at Philadelphia, on Tuesday last, in the 73rd year of his age. He had long suffered under a paralysis. He was the brother-in-law of Mr. Clay.

8 He was actually in his 68th year.

9 Miles' Weekly Register, XLVIII, 91.
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LIFE SKETCH

Lawrence Keith Fox was born at Doon, Iowa, November 6, 1894. After completing the public schools in Iowa and Washington, he attended Upper Iowa University, Fayette, Iowa, for one year. He taught for a few years in town and city schools in South Dakota and Nebraska. During 1917-1919, he served in the United States Army, much of the time in France and Germany. He received the Bachelor of Arts degree from the University of South Dakota, Vermillion, in 1922. Thereafter he served as assistant secretary of the South Dakota Historical Society, from 1922 to 1926 and as secretary of the Society from February, 1926 to September, 1945. During this period, he edited volumes 13 to 21, South Dakota Historical Collections and volumes I and II, South Dakota Historical Review.

Mr. Fox married Jennie E. Lambkin, of Inwood, Iowa, in 1922. Their daughter, Harriet Jane, has taken her junior and senior years at Louisiana State University, and is a candidate for the Bachelor of Arts degree in May, 1946. Mr. Fox entered Louisiana State University in September, 1945, and he is a candidate for the degree of Master of Arts at the May, 1946, Commencement.
EXAMINATION AND THESIS REPORT

Candidate: Lawrence K. Fox

Major Field: History

Title of Thesis: The Political Career of James Brown

Approved:

[Signature]
Major Professor and Chairman

[Signature]
Dean of the Graduate School

EXAMINING COMMITTEE:

[Signature]

[Signature]

Date of Examination:

May 13, 1946