United States Senator

When President Jefferson convened Congress by proclamation on October 17, 1803—a much earlier date than usual—the new thirty-year-old Senator Thomas Worthington from Ohio was there to present his credentials and take the oath. He had arrived at Georgetown on the thirteenth, called on the President on the fourteenth, renewed his acquaintance with friends in Congress, and was ready for work. His friend Senator John Breckinridge of Kentucky had requested that the senators from Kentucky, Ohio, and Tennessee and the representative of the Indiana Territory meet on the fifteenth, prior to the convening of Congress, to determine what policy should be followed regarding the colonization and government of Louisiana.1 Another reason Worthington was anxious to arrive on time was that he wished to cast a vote for the ratification of the Louisiana Purchase. The treaty providing for the purchase was approved on the nineteenth by a vote of 24 to 7. Worthington’s colleague John Smith did not arrive in time to participate in this important action. When he did arrive, they drew lots for the four- and six-year terms, Worthington drawing the lot for the four-year term.2

The complete control of the navigation of the Mississippi, which was secured by the Louisiana Purchase, was a project which more than any other at the time occupied the minds of the Ohio people. They felt that the whole problem of navigation down the Mississippi, war with France or Spain, and the political and economic future of the country depended on the ratification of the treaty of purchase. As two of Worthington’s correspondents put it, “Our people are extremely uneasy” regarding the decision, and “the western people wait with great anxiety.”3 William Creighton wrote Worthington that news of an im-

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1 Breckinridge to Jefferson, September 10, 1803, in Territorial Papers, IX, Orleans Territory, 43.
3 McArthur to Worthington, October 21, 1803, and Creighton to Worthington, October 17, in WMOSL.
pending war with Spain had “agitated the people considerably” and led
to action to raise recruits at Chillicothe and other towns in Ohio; for
it was believed that General Wilkinson might have to use force to
dislodge the Spanish at the time of the transfer, and it was known that
the President had instructed him to do so if necessary. Thus, when
the good news of the ratification arrived, there was great joy in Ohio.
Wyllys Silliman, writing from Zanesville, described the purchase as
“an event which I conceive of more real importance to this country
than any which has occurred since the declaration of independence
and which will more firmly attach the affections of the people of the
west to the present administration than any other of its measures.”

It is customary to regard the purchase of Louisiana in 1803 as a
masterly stroke of state—and it was—but the probabilities are that
the consequences would have been the same had we not made the
purchase at that time. Peaceful penetration and a treaty of annexation
after settlement would have achieved the same result, perhaps without
any expenditure of money. A war might have been necessary, but the
party in occupation would eventually have been master. It was
really the settlers of the West who determined its fate. When the right
deposit at New Orleans was suspended in 1802, some of the Fed­
eralists took advantage of the furore this caused in the West to agitate
for war, hoping to discredit the Administration. Others approved of
the mission of Monroe to settle the vexatious problem by the purchase
of West Florida and the Isle of Orleans.

The acquisition of the whole
territory was not considered; once proposed, however, it offered a way
of settling once and for all the question of the navigation of the Mis­
sissippi.

In any event, the purchase was made and the treaty hurried through.
The fight in Congress came not so much over the purchase as over
the subsequent disposition of the territory. The Federalists strongly
objected to its incorporation into the Union with the promise of state­
hood at the earliest possible moment as provided by Article III of the
treaty of cession, but they were outvoted on every point. Tracy of
Connecticut maintained the treaty was unconstitutional; that the in­
corporation of Louisiana, first as a territory and then as a state or

4 Creighton to Worthington, November 2, 1803, and Ben Hough to Worthington,
December 15, 1803, in WMOSL.
5 Silliman to Worthington, November 2, 1803, in WMOSL.
6 Manasseh Cutler to James Torrey, January 15, in William P. Cutler and Julia
P. Cutler, Life, Journals and Correspondence of Manasseh Cutler (2 vols., Cin­
cinnati, 1888), II, 122; Cutler to Capt. Fitch Pool, January 17, ibid., 123; Rev.
Jedediah Morse to Cutler, February 3, ibid., 129.
states, would render the original states “insignificant in the Union.” Manasseh Cutler held it would necessitate separation. Pickering advocated secession and a northern confederacy. The Federalists as typified by him were anxious to obstruct any move that might strengthen the political power of the South and the West. Ever since 1787, the unfair representation afforded the South in the three-fifths compromise had rankled, and secession had become almost a mania with Pickering. Every proposal to extend our territory south or west drove him frantic. His attitude and tactics are a good illustration of the chief reason for the rapid decay of the Federalist party. Worthington’s attitude was unequivocal and definitely western. “Doubt [is] entertained by some that the treaty does not oblige an incorporation of the people of the Louisiana Country into the union,” he wrote in his diary. “On this subject I am clear and have no doubt and even if I doubted I never could agree to have colonies attached to the U. S. inhibited from the Common rights of citizens.”

In December, Senator John Breckinridge brought in a bill for the government of the Louisiana Territory. It proposed that the vast area ultimately be divided at the thirty-third parallel. The northern part, the District of Louisiana, was to be added to the Indiana Territory, and the southern section was to be called the Territory of Orleans. The government of the Orleans territory was to consist of a governor, a secretary, a council of thirteen, and judges—all appointed by the President. Trial by jury was to be used in all capital criminal cases, and in all civil and other criminal cases if requested by either party. Slaves could be introduced only by bona fide owners; none were ever to be imported.

This bill precipitated a strenuous debate on two points, namely, whether such an autocratic government should be established and whether slavery should be so restricted. Worthington felt very deeply that the territory should be as democratically organized as possible and that it should have a representative assembly and send a delegate to Congress, but his motion to that effect was defeated. He renewed the attack on February 1 in one of his few recorded speeches, summarized

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7 Annals, 8th Cong., 1st Sess., 58. See pages 27-74 for the full debate on the appropriation bill.
8 Cutler to [J. Morse], October 31, 1803, in Cutler, M. Cutler, II, 139.
9 Worthington’s diary, October 19, 1803.
10 The bill is partly quoted in the Senate Journal, 8th Cong., 1st Sess., 143. See Everett S. Brown, ed., William Plumer’s Memorandum of Proceedings in the United States Senate, 1803-1807 (New York, 1923), 107-109; see also Brown’s study, The Constitutional History of the Louisiana Purchase, 1803-1812 (Berkeley, California, 1920), for the full story on this debate.
in the journal of Senator William Plumer of New Hampshire: "The
government contemplated by this bill is a military despotism, & I am
surprised that it finds an advocate in this enlightened Senate. The
gentleman from Georgia [Mr. Jackson] talks of a separation—Sir, the
western states will not separate [sic] unless the eastern States by their
conduct render it absolutely necessary." Worthington fought both
friend and foe in his continued effort to secure a liberal government
for the new territory. Jackson, on the other hand, maintained that the
inhabitants were "too ignorant to elect a legislature" and, being French,
despised the jury system. Pickering argued that a "regular government"
would "destroy the western states," cause "a separation of the union,"
and "prove our ruin." Worthington's protests bore fruit, however, for
the territory was advanced to a government of the second stage the
next year, with a representative assembly and a delegate in Congress.

In the matter of exclusion of slavery from the territory, Worthington
was willing to permit bona fide immigrants to bring their Negroes with
them when they settled there, but he favored their manumission at the
end of one year. Thus by law he would have closed Louisiana Territory
to slavery just as the Northwest Territory had been closed to it by
the Ordinance of 1787. We may conclude that he opposed the extension
of slavery even when he must have known that states formed from this
particular territory probably would be admitted to the Union as slave
states. Finding his position untenable, he voted with the majority to
permit the introduction of slaves only by bona fide owners who were
citizens of the United States.

Perhaps Worthington's most noteworthy contribution to the Louisiana
controversy was the resolution he introduced March 6, 1806, providing
for the colonization of the territory and for its defense. (Senator Wil­
liam Plumer claimed that John Breckinridge, the attorney general, had
told him that he was the author of the proposal.) Two million acres
were to be set aside "between the Achafalaya, the Red river, and a
meridian line passing by the fort at Natchitoches" to be surveyed and
divided into townships and lots; alternate lots of 160 acres were then to be given to citizens twenty-one years of age not living in the territory who would occupy and improve them, and, with their eighteen-year-old sons, agree to perform military service whenever needed for the defense of the Orleans and Mississippi territories. Plumer noted that Jefferson informed him on April 2 that he considered this bill one of the most important then pending in Congress; that Louisiana was exposed to attack and the militia from the states might not be willing to march there to defend it; and that the bill was designed to induce settlement and at the same time provide protection. Perhaps this plan was dropped because of the Wilkinson-Herrera agreement of November 5 to treat as neutral ground not subject to settlement by either nation the area between the Sabine and the Arroyo Hondo-Calcasieu River line.  

That Jefferson was very solicitous for the safety of this extremely important acquisition and entertained serious doubts of his ability to retain it in case of war with Spain is nothing new; but Plumer's account of a conversation with Worthington concerning the President's feeling on the matter is a curious side light on Jefferson. Plumer made this note in his journal:

Mr. Worthington told me, that in a conversation he had with the President—he [Jefferson] told him that none of his favorite measures had been adopted this session—that the bill for classing the Militia had been rejected—that the bill authorizing a detachment from the militia had not yet passed—that this bill for the defense of Orleans territory would not pass—and he then added, with tears running down his face—"The people expect I shall provide for their defense—but Congress refuse me the means."

If Worthington had been facetious by nature, one would suspect he was duping Plumer; but Worthington and Plumer were extremely sober individuals, and both took their senatorial responsibilities very seriously. One can hardly conceive that the extremely correct Republican from Ohio was pulling the leg of the extremely puritanical Senator from New Hampshire.

The proposal was referred to a committee of which Worthington was chairman. He reported a bill on March 21, but after it had been de-

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14 Plumer, 474; Annals, 9th Cong., 1st Sess., 164; Adams, Memoirs, I, 424. For the history of the "neutral ground" agreement, see J. Villasana Haggard, "The Neutral Ground Between Louisiana and Texas, 1806-1821," Louisiana Historical Quarterly, X (October, 1945), 1001-1128.
15 Plumer, 475. He adds, "This same Mr. Worthington is a strange man. He may deny this [Jefferson tale]—But he has told the same to Genl Bradley—But, he, again, is still more equivocal!"
bated on several occasions and amended, it was postponed until De-
cember and thereafter never resurrected.\(^\text{16}\)

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If the purchase of Louisiana brought the Federalists to a position
where they were almost willing to destroy their party and the Union
in combating it, the proposed purchase of the Floridas gave them an­
other opportunity to implement their policy of party suicide. The suc­
cessful purchase negotiations in 1803 so encouraged the President that
when the dispute with France and Spain arose over the boundaries of
Louisiana, and Spain refused to recognize the Perdido as its eastern
terminus and sought to establish that boundary at the Iberville, Jef­
ferson decided it would be wise to settle the matter by acquiring all
the Floridas. In his message of December 6, 1805, transmitted in secret
session, he guardedly asked for an appropriation for this purpose, but
John Randolph, chairman of the House Ways and Means Committee,
to which it was referred, fought the proposal. The committee wished
to bring in an appropriation bill for five million dollars, but Randolph
insisted that until Jefferson explicitly asked for that amount and gave
an exact explanation of how it was to be used, he should not have it.
Despite the obstructionism of Randolph’s Quids and the Federalists,
a bill passed the house on January 16 providing for an appropriation
of two million dollars, ostensibly to permit the President to maintain
intercourse with foreign nations but actually to be used as a Florida
purchase fund.

The next day, the bill went to the Senate, where it was debated with
“great warmth.”\(^\text{17}\) The Federalists naturally objected to putting such
power into the hands of Jefferson, but, having worn the constitutional
question threadbare on the Louisiana issue, they now used better
tactics by pretending to advocate the purchase of all the territory be­
tween the northern boundary of the United States and the St. Lawrence
River rather than, or in addition to, the Florida territory. They argued
that if the boundaries of the United States were to be extended to
their natural limits in the southeast, surely the territories in the St.
Lawrence region in the northeast would be the wiser purchase. Of

\(^{16}\) *Annals*, 9th Cong., 1st Sess., 182, 191, 206, 228; Plumer, 474; Brown, *Louisiana Purchase*, 163.
\(^{17}\) Plumer, 345-47, 379-80, 384-87; *Annals*, 8th Cong., 1st Sess., 55, 89-98. For
Jefferson’s message see J. D. Richardson, ed., *Compilation of the Messages and
course, the mouth of the Mississippi should be safeguarded, but why stop there? The St. Lawrence needed opening too. Some members of both parties believed that Europe’s involvement in a deadly war made the time propitious to purchase or seize what we wanted on both boundaries. To buy was much cheaper than to make war, or, as Senator Robert Wright of Maryland expressed it, it was more ethical to buy than to steal. Senator Sam Mitchell of New York went to the heart of the matter when he remarked, “We have had & still seem to have a land mania. . . . [We now want] all the Globe.”

Certainly the legislators were wise enough to see that the country could not go to war. They seem to have considered an aggressive war an impossibility, but they were toying with an issue which burnt their fingers six years later. Rounding out the natural boundaries of the country to the southeast at the expense of Spain by annexing the Floridas seemed feasible to many of them. Absurd talk of Canada and the St. Lawrence could not distract those who wanted the Floridas from their serious purpose; now was the most appropriate time to ensure the nation’s territorial integrity in the South by acquiring the desired land “by purchase or otherwise.”

The matter that most concerned the Ohio senators was whether Mobile Bay could be secured, for, as John Smith pointed out somewhat exaggeratedly, its navigation was “as important as that of the Mississippi.” To the senators, Jefferson’s plan appeared to be wise whether he secured all the Floridas or just the piece extending to the Perdido. The resurgent discontent of the West which lured Burr to his ruin and rumors of Burr’s plans motivated Worthington when he insisted that if purchase was attempted, then surely it was West Florida which must have priority. Plumer jotted down Worthington’s observations in his journal as follows:

My mind is much divided on the subject of this bill—I think I shall vote in its favor—I believe the President will make a good use of it—The purchase . . . is beneficial to each & every State—The idea of a separation—of a division of the Union is painful—I think of it with horror.—The eastern frontier of the U.S. is strong the South & West is feeble—We want to purchase the Florida’s—to remove our bad neighbors further from us—

I do not feel much confidence that this appropriation will answer the purpose but I am for trying it.

I see no reason for purchasing in the East [but] The purchase in the west of the Florida’s are of as much importance to the eastern States, more so to their commerce, than to the southern & western States.

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19 Plumer, 411.
20 Ibid., 396-97.
To the objection of Senators Uriah Tracy and Samuel Smith that the money was not available and that the appropriation would necessitate a loan, Worthington impatiently replied, "The Floridas are important & we must obtain them. We shall have money enough—if not we can borrow."21 In fact, most of the counterproposals and the debate about Canada and the St. Lawrence were largely party politics; the Federalists wished to defeat Jefferson's purpose or else make him openly admit that he intended to use the appropriation as a lever to force Spain's hand. There were, of course, many Congressmen who did not fully grasp the significance of the obstructive tactics; John Quincy Adams characterized the discussion as "one of the most curious debates I ever heard in [the] senate."22

On February 7, the bill passed the Senate, 17 to 11, and Jefferson signed it on February 13. The President was thereby authorized to continue his experiments in expansion, an assignment of broad opportunity and great responsibility.23

Worthington approved of the Jeffersonian foreign policy of conciliation and concession. He recognized that his party chief was bound to maintain peace at almost any cost. He wrote Samuel Huntington, March 4, 1806, that he felt confident Canada would someday be acquired but that to try and get it now at the price of war would be unwise at best, for the country needed peace, and especially peace with England, our most important foreign market.24 Nevertheless, he believed that if war came, it would be with England and not with France or Spain. "It is against England we have the most serious causes of complaint, and will find the most difficulty to maintain our rights and secure peace," he wrote to one of his constituents on January 17.25 He was willing to knuckle down to the French with Jefferson in interdicting trade with revolutionary Santo Domingo, for the interdiction was only an empty gesture; it would not actually stop American trade with the island, but it might "inhibit a disgraceful commerce [in slaves]," and it would keep the peace with one of Europe's chief belligerents.26

21 Ibid., 412.
22 Adams, Memoirs, I, 392.
23 Senate Executive Journal, II, 41-42; Plumer, 425, 456, 546, 641.
24 Letter in the Huntington Papers, WBHS.
25 Worthington to "A respectable gentleman," in the Scioto Gazette, February 6, 1806.
In the neutral rights debate of February upon resolutions instructing President Jefferson what policies to adopt toward England, Worthington took an active part. The long series of impressments, confiscations, and interferences with our trade had at last driven the Administration to a position where some effective action short of war was imperative. Unwilling to seek cooperation in the return of her fugitive seamen, too stubborn to arbitrate concerning impressments, and too busy even to negotiate concerning neutral rights, Britain arbitrarily stopped our ships, even near the American coast, and refused to adjudicate our grievances. Since Jay's Treaty had avoided final settlement of these issues and even the commercial clauses of the semi-settlement had lapsed, the United States had no legal position to uphold regarding trade, and England refused to negotiate. Yet dignity, honor, and national pride demanded some action. The Administration, through Andrew Gregg of Pennsylvania, proposed in the House that all importations from Britain be suspended until she agreed to a settlement. This resolution was debated and watered down before passage so as to affect only products which could be secured elsewhere; even then it was not to go into effect until November 15. During the debate, one resolution which was submitted involved the policy which the Senate should ask the President to pursue, the amount of pressure he should bring to bear, and the severity of tone he should employ in urging England to restore the seized property and in forcing her to a negotiated settlement. The resolution recommended that he “demand and insist upon the restoration of the property . . . captured and condemned . . . and upon the indemnification . . . for those captures and condemnations.”

Worthington objected to the resolution in that form. He believed that determinations and recommendations of the Senate had great weight and that they should not be made binding upon the President without due consideration. “We are equally responsible with him in our executive capacity,” he said, pointing out that the Senate must ratify all the President's engagements with foreign nations. To ask him to “demand and insist” and to make a treaty all in the same breath was rank inconsistency: “The resolution seems to be at war with itself. It is not . . . the bold ground taken . . . to which I object. It is because I fear the resolution . . . will embarrass the Executive in negotiating a treaty to settle our differences. . . . We have no commercial treaty with Great Britain. If, sir, this subject is intended to be embraced . . . let us be more explicit.” He argued that a treaty was desperately needed; that without one, the results would be “continual jarrings and probably
ultimate war, with all its concomitant evils." He reminded his col­
leagues that the President was at the time attempting negotiations on
the matters included in the resolution, and urged a revision of its
present form in order that the Chief Executive’s efforts might not be
handicapped by the “demand and insist” clause.27

The Federalists fought hard against this proposal, for their purpose
was to maneuver the President into the position that any agreement
negotiated must not interfere with trade; if it did, he must be made
to take the blame. The Administration, on the other hand, sought to
put the responsibility for the arrangement on the Senate. The motion
to strike out the word “insist” prevailed by a single vote, and the
resolution was then passed, 23 to 7. In an effort to make the vote
unanimous, Worthington’s colleague John Smith spoke like a true
forerunner of the War Hawks of 1811. In flamboyant terms he declared:
“I deprecate the flames and ravages of war . . . I wish it avoided on
honorable terms; for rather than see the honor and rights of my
country violated, I would wade through rivers of blood and fight until
doomsday in their defence.”28

Two months later, Worthington voted with the large Republican
majority to adopt the negotiating embargo on various English articles;
Randolph called it a “milk and water bill, a dose of chicken broth,”
because it applied to inconsequential articles and was not to become
effective for nine months. The Senate vote was 19 to 9; Jefferson signed
the bill on April 18.29

Worthington’s most important contribution as a senator was his
sponsorship of a scheme of internal improvements which had been
advocated for two decades, in particular a project for a thoroughfare
to the West. Ultimately, his efforts resulted in the construction of the
Cumberland Road. Washington had seen the necessity for establishing
and maintaining national unity by a system of transportation and
communication facilities, particularly with the West, and so had Frank­
lin. The Spanish Conspiracy in Kentucky, the Whiskey Rebellion
in Pennsylvania, Blount’s Conspiracy in Tennessee, and Burr’s intrigues
were manifestations of the separative spirit of the western people,
who regarded economic welfare rather than political unity as of

28 Ibid., 109-12; Phumer, 483.
paramount importance. The threatened closure of the Mississippi had been the focal point of western economic interest until 1804. But even before that issue had been settled, there had been an insistent demand that rivers be made navigable and post roads be established. The project of a great artery of commerce from the seaboard to the Ohio over which stock might be driven and wagon caravans pass was the next necessary step. If harbor and lighthouse bills were constitutional, then surely so were bills for improvements of inland commerce.

At the time when Worthington, Albert Gallatin, and Senator William B. Giles were drafting the Enabling Act for Ohio, they decided to incorporate in it a provision for the construction of such a road. The provision specified that one-tenth of the proceeds from the sale of public lands in Ohio should be appropriated for the construction of a national road, but Congress amended it to read one-twentieth, that is, 5 per cent. On petition of the Ohio Constitutional Convention, a provision was inserted in the act of Congress (March 3, 1803) supplementary to the Enabling Act, which provided that 3 per cent of the proceeds from land sales in Ohio should be used for building roads within the new state.30

Until November, 1803, nothing was done to realize the objective of the plan. At that time, however, a resolution championed by Congressman John G. Jackson of Virginia and Jeremiah Morrow, sole representative from Ohio in the House, was introduced to secure an appropriation for laying out the proposed road to Ohio. They held that the 3 per cent provided in the act supplementary to the Enabling Act was in addition to the 5 per cent initially provided for, and that 8 per cent was therefore to be appropriated for the road. The House refused to accept this interpretation, and the committee to which the resolution was referred received instructions to bring in a bill providing for the allocation of 2 per cent of the sales money for the road to Ohio. On January 10, 1804, Jackson brought in the 2-per cent bill, which was passed in the House on February 15. Senators Smith and Worthington were on the committees which considered this bill and were successful in getting it passed in amended form in the Senate on March 27. It provided for the appointment of commissioners to explore the route to be followed to the Ohio River. The House considered the amended bill on the last day of the session, when action on it was postponed until the next fall.31

31 Annals, 8th Cong., 1st Sess., 254, 263, 273, 298, 305, 631-36, 676, 943, 988, 1012, 1242.
The second session of the Eighth Congress was called for November 5, 1804, but on that day only fourteen senators, including Worthington, were present. (The horse races, which were in full swing, accounted for most of the absentees.) Consequently, Vice-President Burr adjourned the rump Senate. Although a quorum was present on the seventh, little was done until the sixteenth, when, as John Quincy Adams put it, "the races at length are finished, and the Senate really met."\(^{32}\)

On November 28, Worthington gave notice that in pursuance of the Enabling Act he would ask leave to present a bill making provision for the application of moneys appropriated for the Cumberland Road, but instead, on the thirtieth, he moved that a committee be appointed to consider the Act and draw a bill conformable to it. This motion was adopted December 3, and a committee was appointed with Worthington as chairman. He introduced a new bill, December 28, calling for the appropriation of the one-twentieth part of the proceeds of land sold in Ohio for laying out the road to that state, but the figure was amended, despite his opposition, to read the "remaining 2 per cent."\(^{32}\)

Worthington wrote his Ohio constituents that Congress had agreed that only 2 per cent should be used in laying out roads to Ohio, but that such a decision was contrary to his opinion as formed at the time of the "compact," that is, the Enabling Act and the supplementary law. His words are significant: "I intended and understood that the three per cent asked by the convention should be in addition to the five per cent before offered by congress." He argued that Ohio should demand a fulfillment of this compact so that the road could be adequately financed. "Our eastern brethren," he wrote, "do not seem to be sufficiently impressed with its importance."\(^{33}\)

John Quincy Adams noted in his diary that "Worthington with his supporters gravely maintained that the modification meant an additional three percent and that congress were already bound to appropriate eight percent to the roads...It was the merest accident in the world that this stratagem did not succeed." Adams considered the bill "no better than fraud upon the union."\(^{34}\) The bill was amended January 23 and submitted to a somewhat different committee headed by Worthington. On February 20, further consideration of it was postponed.\(^{35}\) There the matter rested until December, 1805, when the bill was resurrected and referred to a committee of which Worthington was a member and Tracy of Con-
nnecticut the chairman. On December 19, Tracy announced that $12,652 had accrued for the project as of September 30, 1805, and estimated that it would amount to $20,000 by the time it was needed. In a long and able report he explained why the Cumberland-Wheeling route had been recommended and of what great value the road would be to the nation. The bill he introduced was passed on December 27. The concluding paragraph of Tracy's report merits quotation:

Politicians have generally agreed that rivers unite the interests and promote the friendship of those who inhabit their banks; while mountains, on the contrary, tend to the disunion and estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight, and the rough ways smooth, will, in effect, remove the intervening mountains, and by facilitating the intercourse of our Western brethren with those on the Atlantic, substantially unite them in interest, which, the committee believe, is the most effectual cement of union applicable to the human race.

The bill provided for a road four rods wide to be built between the upper Potomac and Ohio rivers, striking the Ohio somewhere between Steubenville and Wheeling, the exact spot to be determined by the committee appointed to draw plans and make a survey. The House passed the bill, appropriating $30,000, on March 24 by a vote of 66 to 50. President Jefferson signed it on March 29. It was not satisfactory to Worthington, Morrow, or Jackson, but Worthington and Morrow were willing to take half a loaf; Jackson was not. The commissioners made their survey during the summer of 1806 and recommended a route from Cumberland to Brownsville on the Monongahela—in general following Braddock's Road—and by a direct line westward to the vicinity of Wheeling.

In February, 1807, Jefferson submitted the report of the commissioners to the Senate, where it was referred to a committee composed of Worthington, Tracy, and Giles. On February 24, Worthington brought a bill from the committee, appropriating $25,000 to start the project, which was adopted February 26. When the bill reached the House, local jealousies arose regarding the proposed route, and on March 3 the bill was indefinitely postponed, however, at least the preparatory steps had been taken in providing for this great avenue of inland commerce and travel.

Meanwhile, the whole subject of internal improvements had come to the front, and Worthington had emerged as their chief spokesman. On February 25, he introduced a motion instructing Secretary of the
Treasury Gallatin to report on the “usefulness and practicability and probable expense” of the projected Chesapeake and Delaware Canal and on the possibility of an inland waterway between the Southern and Northern states. Various canalization projects, all private undertakings, were under way on the seaboard at the time; Worthington would have nationalized all new ones for the country’s benefit. The next day he moved that Gallatin be instructed to study and report on the practicability of a national turnpike to extend north and south from Washington. Two days later he withdrew both these motions and submitted a new one which made it the duty of the Secretary to report on all projected roads or canals and to investigate the expediency of establishing a system of canalization and road-making for the whole nation. This motion, important because it resulted in Gallatin’s able report on internal improvements in April, 1808, was adopted March 2.

Perhaps the most dramatic scenes of Worthington’s first term in the Senate were the impeachments of Judges John Pickering and Samuel Chase. In this instance, it may be said, Worthington is justly subject to criticism for following the lead of demagogic Republicans like Randolph and Giles in their attempt to bring the judiciary completely under the control of the legislative branch. Yet the doctrine of judicial review and the independence of the judiciary were not well established at the time. John Marshall, it is true, had rendered his Marbury decision, but its philosophy had not been accepted. Moreover, one of the causes for the dispute with King George in 1775 had been the British government’s attempt to maintain judges in the royal colonies, contrary to the wishes of the colonial legislatures. In the more democratic corporate colonies the judges had been directly controlled by the legislature.

Since impeachment was the only constitutional way to remove the senile and bibulous Pickering, impeachment it had to be; and Worthington voted for it with his party and his friends on March 12, 1804. A century afterward, the eminent historian, John Bach McMaster, wrote concerning the trial that “no act so arbitrary, so illegal, so infamous had yet been done by the Senate of the United States. Without

Ibid., 86, 95.
40 Ibid., 95, 97. Henry Adams refers to Worthington as “one of Gallatin’s closest friends” and gives him credit for Gallatin’s report. The Life of Albert Gallatin (Philadelphia, 1880), 350.
a hearing, without counsel, an insane man had been tried and, on
Ex parte evidence had been found guilty and punished." McMaster
was not entirely fair in his denunciation of the judgment in this case
since he did not take into consideration the fact that short of impeach­
ment there was no way of removing incompetent or incapacitated
judges when they did not retain sufficient intelligence even to resign.
Yet, he is entirely right concerning the unfair and heartless procedure
used.

The impeachment of Judge Chase was a clear case of persecution
because of political differences. Jefferson himself asked for the im­
peachment because in harangues from the bench—no uncommon
practice—Chase had dared attack the sacred principles of democracy
and the political theories of the Administration. Instead of impeaching
him for his actual attack on the party in power, John Randolph had
eight vague charges drawn up against him. He failed, however, to
convince the necessary majority of the senators that Chase was guilty
of high crimes and misdemeanors on any one of the charges. The trial
was a conflict between the politicians and the lawyers, and between
the legislative and executive branches and the judiciary. The lawyers
and the judges won. Randolph’s oratory, far below his usual standard,
was in this case feeble and unconvincing. Chief Justice Marshall and
his colleagues gave their advice and counsel to the lawyers of the
defense. Marshall doubtless gained more from the outcome of the
case than any other man, for, had the impeachment of Chase proved
successful, he would probably have been the next victim.

As it was, Vice-President Burr and the Senate put on a real display
for the audience at the trial. Boxes and chairs in the courtroom were
draped in green; the seats of the senator-judges, arranged in a semi­
circle, were decorated with crimson as befitted the judicial function
of their occupants, and the seats of the managers and counselors were
covered in blue. After a month of debate and oratory, the senatorial
judges voted, each senator voting viva voce once on each charge. Four
times did Thomas Worthington rise to his feet and enunciate the word
"Guilty," and four times "Not guilty," to the repeated question from
Burr, "Mr. Worthington, how say you, is the respondent, Samuel Chase,
guilty or not guilty of the high crime or misdemeanor, as charged?"
After two hours of this procedure, the figures were totaled, and on
March 1 Burr announced Chase’s acquittal on every charge.41

41 Annals, 8th Cong., 1st Sess., 318-67; 2nd Sess., 93-100, 664, 675; Plumer,
230, 272, 311-14; Adams, Memoirs, I, 283, 309, 318, 322, 324, 345, 350, 352,
354-64.
Randolph was highly mortified at the outcome of the trial; in the House that afternoon he delivered “a violent philippic against Judge Chase & against the Senate.” He proposed an amendment to the Constitution providing that the President might remove any judge from office on the recommendation of a plain majority of each house. Joseph Nicholson of Maryland, another manager of the trial, then moved a second amendment (which Randolph endorsed), namely, that state legislatures be entitled to recall their senatorial representatives at any time. Whereupon, to infuriate the more these frenzied, overheated, and disgusted Republicans, Elliott of Vermont rose, tongue in cheek, to propose for consideration the desirability of referring to the people the revocation of “the Constitution in toto.”

The excellent impression that Aaron Burr made as president of the Senate, especially on unusual occasions such as the two trials just mentioned, raised him greatly even in the opinion of those who had hated him for killing Hamilton. On February 28, the Senate had voted him the franking privilege for life, the alignment being, according to Plumer, on the basis of the justifiability of Burr’s action. Senator Wright maintained that he deserved the privilege for that one righteous deed alone. Seth Hastings claimed that Burr would have been renominated for vice-president if only he had killed Hamilton six months earlier. A year and a half later the Burr conspiracy that was to ruin the careers of many prominent persons, including that of John Smith, senator from Ohio, was exposed.

However near to Worthington geographically suspicions of treachery came, not one breath of treason touched him. He wrote Massie that Jefferson had confided to him what he conceived Burr’s plans to be, and enclosed an outline of them for publication in the Ohio papers. Worthington enjoined all true citizens to use every means to apprehend the authors and executors of the plan, for “one of the greatest curses which could fall upon us would be a separation of these states.” He could scarcely believe that Burr had blundered so fearfully. He could not understand how such a patriot and statesman “should form the wild and desperate plan of overturning this government ... and involv[ing]...
it in Bloodshed and ruin.” It filled his mind “with horror and astonishment.”

As senator from Ohio, Worthington was expected, of course, to secure legislation to relieve the economic troubles of his constituents. Purchasers of land were finding it difficult to keep up their payments and meet their taxes. Special legislation was often needed to provide for cases of hardship not covered by general legislation, such as relief for refugees from Canada, cancellation of the onerous contracts of the French at Gallipolis, and the acquisition of school lands for settlers in the Symmes Purchase.

In 1806, in order to make the land laws of the United States uniform, Worthington submitted a resolution in the Senate that a committee be appointed to examine and report alterations in the laws or amendments to them relating to the disposal of public lands. Tracy, Baldwin, and Worthington, as chairman, composed the committee. On December 31, it reported a bill for the uniform survey of all United States lands northwest of the Ohio River which had been laid out by straight lines. The passage of this bill provided for the subdivision of all previous surveys into half- and quarter-sections, and assured the uniformity and accuracy which Ohio’s land units have today. In 1807, Worthington pushed through the Senate the Jackson Bill for the relief of purchasers in the Virginia Military District. The northwest boundary of the Virginia Military District was defined by an act introduced and sponsored by him. During the same session he promoted the ratification of several land cessions made by the Indians of Ohio and the Indiana Territory.

As a result, Worthington came to be considered an authority on western lands. His land-office training and his experience in the Senate made him so valuable that Gallatin could write Jefferson, November 25, 1806, “Whatever relates to land cannot be too closely watched. . . . Worthington is the only one in the Senate, since Breckinridge left it, who understands the subject. He has been perfectly faithful in that

45 Letter, January 29, 1807, in Massie, Massie, 240.
46 Annals, 8th Cong., 2nd Sess., 28, 30, 32, 39, 41, 184.
48 Senate Executive Journal, II, 4, 9, 15, 25-26; American State Papers, Indian Affairs, I, 679, 696; Plumer, 356, 359, 381.
respect, trying only to relieve as much as possible the purchasers generally from being hard pressed for payment.\textsuperscript{49}

The erection of the Michigan Territory was another of Worthington’s achievements. Immediately after the admission of Ohio, some of the inhabitants of Wayne County who had wished inclusion in the new state and were greatly displeased by the fact that Michigan had been added to the Indiana Territory began to petition Congress through Worthington for separation.\textsuperscript{50} Worthington faithfully presented the petitions and on December 14, 1804, introduced a bill for the establishment of the Michigan Territory. The bill passed on the twenty-fourth, and was signed January 11, 1805, much to the satisfaction of the inhabitants of that area.\textsuperscript{51}

Worthington was also instrumental in getting school lands for Ohio. By a law passed on March 3, 1803, Congress had given the Ohio legislature the right to choose one thirty-sixth of the Virginia Military District for school lands after the time for the location of Virginia warrants expired, but this law proved a dead letter because the time for making such locations was constantly extended—to 1852, finally. In 1806, the Ohio legislature asked Worthington to petition Congress for school lands in lieu of those in the Virginia Military District. On January 15, 1807, he made the requested petition and secured for Ohio an allocation of public land for school purposes elsewhere in the state.\textsuperscript{52}

School lands were likewise secured for the settlers of Connecticut’s Western Reserve. They had been promised 50,000 acres from the United States Military District by Congress in 1803, but these had never been set aside.\textsuperscript{53} Worthington found Congress disinclined to provide school lands for the Reserve on the grounds that Connecticut herself should be responsible for doing so. Other objections were raised, and he testified that “it required all the exertions which I was capable of making to prevail on the members to agree to make any provision for school lands in the reserve.” He was finally successful in getting eighteen quarter-townships and three sections appropriated by the Jackson-Worthington Law of 1807.\textsuperscript{54}

\textsuperscript{49} Adams, \textit{Writings of Gallatin}, I, 323.
\textsuperscript{50} Sol Sibley to Worthington, February 3, June 8, July 20, November 6, December 27, 1803, and November 5 and December 4, 1804, in WMOSL.
\textsuperscript{51} \textit{Annals}, 8th Cong., 2nd Sess., 16, 20-21, 23-26, 1659.
\textsuperscript{52} \textit{Ibid.}, 9th Cong., 2nd Sess., 32, 35, 78; \textit{American State Papers, Lands}, III, 654-56. Tiffin wrote Worthington, January 23, 1807, that speculators were back of the request of this “weak, trifling disorderly” legislature. In WMOSL.
\textsuperscript{53} Huntington to J. Kingsbury, March 22, 1803, in the Rice Collection.
\textsuperscript{54} Worthington to Elisha Whittlesey, December 9, 1820, in the Whittlesey Papers, WHHS. See also \textit{Annals}, 9th Cong., 2nd Sess., 1265.
In concluding this survey of Worthington’s activities during his first term in the Senate, some of his lesser committee appointments and a few of his votes deserve mention. He and Senator Baldwin represented the Senate on the joint committee to draw up necessary Congressional business (March, 1806). He served on a committee of three to consider a bill for the erection of the south wing of the Capitol. He was chairman of the revisionary committee on Clay’s bill establishing a circuit court for Ohio. He voted for the Twelfth Amendment to the Constitution, against Wilkinson’s appointment as governor of Louisiana, and for the ratification of all Indian treaties. He supported the administration in almost every instance. One exception justifies the belief that he had principles which he would not renounce for anyone: he refused to vote for the ratification of the treaty with the Bashaw of Tripoli until the wife and children of the Bashaw’s brother had been returned to him as provided for by Article III of the preliminary treaty.

During the years of Worthington’s first term in the Senate, he carried on a prodigious amount of private business, particularly for his Ohio friends. Everyone in the state regarded his senators and congressmen as his special agents in matters both public and private. It would appear from Worthington’s diary that private affairs took up much more of his time than state affairs; it is filled with entries regarding taxes, patents, subscriptions, correspondence, and trifling duties which he had to fulfill for his constituents.

No survey of his services would be complete without a word regarding the criticisms directed against him and his party associates—statesmen whom Pickering characterized as “a set of men, the greater part of whom have neither the discernment to see wherein lie the real interest, the honor and safety of the country, nor independence and spirit to support them.” After John Quincy Adams had worked with Worthington on the Cumberland Road committee, he wrote one of his characteristically uncomplimentary thumbnail sketches of him:

Mr. Worthington is a man of plausible, insinuating address, and of indefatigable activity in the pursuit of his purposes. He has seen something of the

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55 Pickering to Rufus King, February 13, 1806, in Charles R. King, ed., Life and Correspondence of Rufus King (6 vols., New York, 1894-1900), IV, 492.
world, and, without much education of any other sort, has acquired a sort of
polish in his manner, and a kind of worldly wisdom, which may perhaps more
properly be called cunning.  

It has been pointed out that the Federalists lost most of their
influence after 1801. They were replaced in general by comparatively
unknown small-town men from the ranks of business and the law who
were mediocre but honest, sincere, well-meaning individuals. Republicans
of the Jeffersonian persuasion, they deferred to the Administration,
and their increasing number, as new states were added, drove the
New England gentlemen to despair. The Federalist aristocrats, out-
umbered by the Republicans, were constantly on the defensive and
were extremely sensitive and irritable; they could not endure what
they considered the smirking obsequiousness of their rustic rivals, and
came to hate them with the same virulence they felt for Jefferson.

Their positions were constantly jeopardized by the power of the
Republicans, as the case of Samuel Allyne Otis illustrates. One of
the few remaining Federalists who were still in office, he was in daily
fear of losing his post as Secretary of the Senate.  

He had been in
the habit of permitting Senator William Plumer of New Hampshire
to take the secret proceedings of the Senate from the office to read and
copy as material for a proposed history. Worthington and others criti-
cized the practice. Since Otis was dependent for his position on what
he termed “the will of violent men,” he insisted that Plumer hence-
forth do his reading in the office. Although Otis refused to tell him
who had complained, Plumer felt sure that it was Baldwin and Worth-
ington. He asked Worthington what his objection was and recorded
the answer in his journal:

Worthington said every senator had a right to read those records . . . that
all he feared was, that possibly incorrect statements might be published from
them & the public mind be mislead—That for his own part he really wished,
these journals were printed & published—I assured him I should publish no
book . . . should take no further minutes—He said he was not dissatisfied
with my conduct. But I know the man, his smiles are the smiles of deceit.
What course these men contemplated I know not. It may be that they wished
to make me desist . . . least I should obtain the knowledge of certain facts
which if promulgated would injure them. They will not prevent my reading
. . . [though they may plan for] a triumphant majority . . . [to] expell me
& give to our democratic Legislature an opportunity of sending a man of
different politics. But I cannot believe, blind and prejudiced as party spirit
renders men, that they are prepared for such a course. [These democrats may
wish] . . . a pretext to quarrel with Mr. Otis that they may bring in one of

Ibid., 264.
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their tools to be Secretary. Since writing the foregoing, I am informed that Worthington told one of the Secretary's Clerks that he ought to have prohibited me from having access to those journals. A pretty fellow indeed.58

Denunciations of Republicans by Plumer were not confined to Worthington but, like those of Adams, were scattered broadcast. Plumer writes of one of Jefferson's messages, delivered in November, 1804: "It is perhaps, more empty and vapid & wrapt in greater obscurity than any of his previous messages. I know this is saying much, but in this, such is the generality of his expressions & the ambiguity of his style, that they will admit of different interpretations, & be applicable to events that may hereafter happen as will best suit his crooked policy." Elsewhere in his journal he repeatedly calls Burr a "murderer" because of Hamilton's death at his hands.

The bitter party feeling in Plumer's heart was intensified when the Republicans made fun of the campaign pamphlets which he had issued in New Hampshire and New England under the name Impartialis. In an entry dated November 27, 1804, he recounts that one morning, half an hour before the Senate met,

... General Bradley read aloud to them [a group of democrats], in my hearing, a most insolent abusive attack upon me, as being the writer of Impartialis. Bradley appeared much pleased with the abuse—Worthington looked malignant, & spoke contemptuously—I made no reply.—I will pursue the steady path of duty unmoved by their scurrility.—

Plumer never forgave Worthington, for when he heard the Ohioan was to be succeeded in the Senate by Governor Tiffin, he wrote his final estimate of him (January 16, 1807):

Worthington is a cunning designing man—Has more talent than integrity—Tho' his talents are not of the first class—yet he is effective, industrious and intriguing. I always suspect evil from this man—His disposition is malevolent & I rejoice at the decline of his popularity. It is said he will run for the gubernatorial chair at the next Autumn election. He is a native of Virginia—was formerly a deputy sheriff in that State. He is deeply engaged in land speculations—& owns much unimproved land in the western world.59

A contrasting picture is given by Tiffin, who, after being in Washington a little while, wrote Worthington that "I have... been extremely pleased to find the high estimation in which you are held by all who knew you, many affectionate inquiries have been made after your health & welfare."60

58 Plumer, 201.
59 Ibid., 203, 209, 576.
60 Letter, October 26, 1807, in WMOSL.
At the close of his term in the Senate, Thomas Worthington turned with relief from national politics and politicians to the fertile banks of the Scioto, to his family, his farms, and his mills, and to the completion of his new house. He was to find it impossible to avoid Ohio politics or politicians, however, and some of his Ohio critics were to prove even less charitable toward his name and fame than his Federalist critics in Washington had been.