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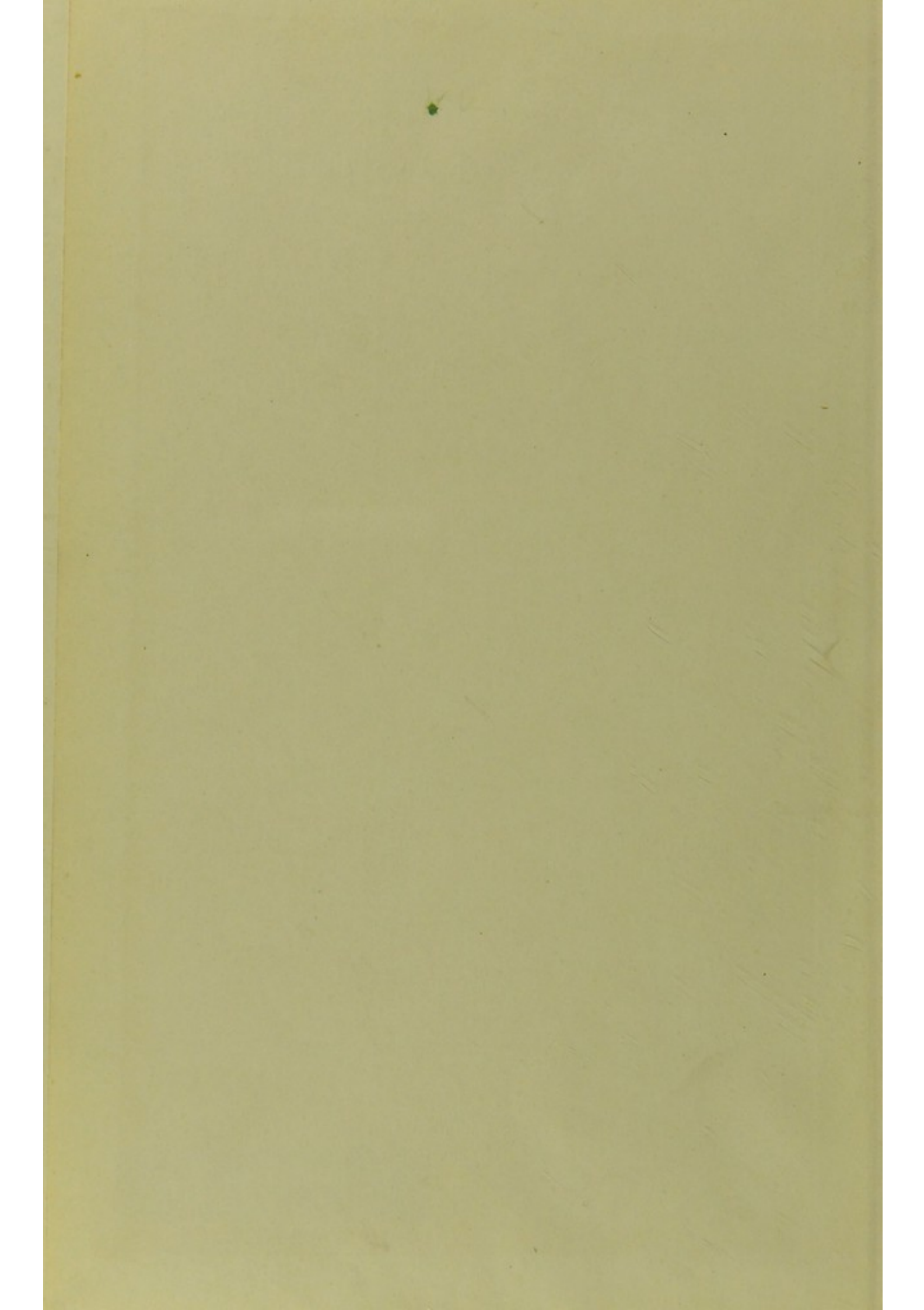
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THE RELATION OF RICHARD RUSH TO THE SMITHSONIAN INSTITUTION

BY

CYRUS ADLER



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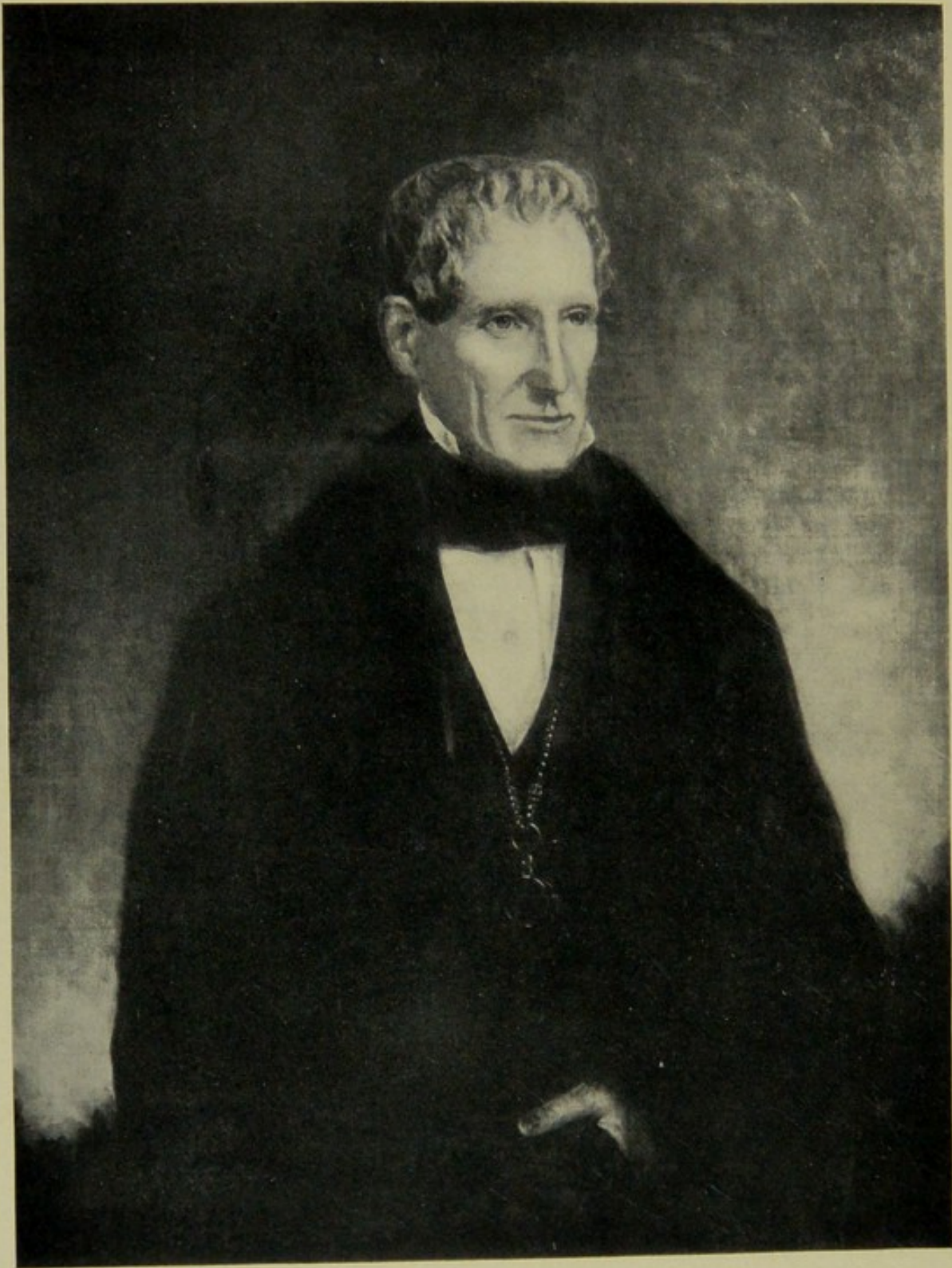
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RICHARD RUSH

(1780—1859)

From painting by T. W. Wood, 1856

THE RELATION OF RICHARD RUSH TO THE SMITHSONIAN INSTITUTION

By CYRUS ADLER

(With One Plate)

Three names are connected for all time with the establishment of the Smithsonian Institution: James Smithson, the founder; Richard Rush, the agent appointed by the United States to secure the bequest; and Joseph Henry, the first Secretary and organizer of the Institution.

In the publications of the Institution and in public documents there are numerous references to the relation of Richard Rush to the establishment, yet nowhere have these been brought together in any succinct form. Moreover, the Institution has recently come into possession of some unpublished material bearing on the subject, and I therefore propose to give in the following pages a statement concerning the part which Richard Rush had in securing the bequest and in aiding in the organization of this unique establishment.

Richard Rush, himself a famous man, was the son of an equally distinguished father, Dr. Benjamin Rush, and the family name has been honorably connected with Pennsylvania, as colony and State, since 1683. Benjamin Rush was a conspicuous figure of the Revolutionary period and one of the most distinguished inhabitants of Pennsylvania of his time. He was a medical professor in the University of Pennsylvania, a well-known practitioner of medicine, an accomplished scholar, a member of the Continental Congress, a signer of the Declaration of Independence, and the first to hold the position of Surgeon-General of the American Army.

I cannot refrain, before proceeding to the subject of this paper, from quoting two paragraphs out of the "Commonplace Book" of Doctor Rush relating to his son Richard:¹

November 23, 1811.

This day it was announced in the "National Intelligencer" that my son Richard Rush was appointed Comptroller of the United States, and to my

¹"A Memorial containing Travels Through Life or Sundry Incidents in the Life of Benjamin Rush, Born Dec. 24, 1745 (Old Style) died April 19, 1813. Written by himself also Extracts from his Commonplace Book as well as A Short History of the Rush Family in Pennsylvania. Published privately for the benefit of his Descendants. By Louis Alexander Biddle. Lanoraie, 1905."

great astonishment and distress on November 25th he set off for Washington to accept of it. I dissuaded him from doing so from the following considerations: First. The degradation to which such an office exposed a man of literary and professional talents. It was an office that could be filled by any clerk of a bank. Second. The vexations and poverty of political life. Third. His comfortable establishment and excellent prospects in Pennsylvania, the State of his ancestors and family. Fourth. The sickliness of Washington and the insufficiency of the salary to support a growing family. Fifth. The dishonor which he would do to his understanding by such an act. Sixth. My age, also my young family, which required his advice now and would still more require it after my death. I offered to implore him not to accept of the appointment upon my knees, but all, all to no purpose. Oh, my son, my son Richard, may you never be made to feel in the unkindness of a son the misery you have inflicted upon me by this rash conduct. He was dissuaded from it by all his friends and was blamed for it by most of the citizens of Philadelphia who knew him.

December 30, 1811.

This day my son and his family set off for Washington to enter upon the labor of the humble office he had preferred to the respectable and professional office he held in Pennsylvania. This day also the awful news of the burning of the theatre in Richmond, Virginia, reached this city, in which above sixty persons, among whom was the Governor of Virginia and many other persons of note, perished. It took place on the 26th of this month.

The foreboding of this otherwise far-sighted man did not, however, come to pass. On the contrary, a most distinguished career awaited Richard Rush. As indicated in his father's diary, he went to Washington to accept the office of Comptroller of the Treasury. From 1814 to 1817 he was Attorney-General of the United States. In 1817 he acted temporarily as Secretary of State, and was then appointed Minister to England, where he remained until 1825, negotiating several important treaties. In that year he was recalled to accept the position of Secretary of the Treasury in the Cabinet of President John Quincy Adams, and in 1828 he was candidate for the Vice-Presidency on the ticket with Mr. Adams. He was Minister to France from 1847 to 1851.

He was an author of prominence of his day and is especially remembered by his "Residence at the Court of London from 1817 to 1825," still one of the important contributions by an American to the history of our diplomacy. He also published a work entitled "Washington in Domestic Life," and is by some considered the real author of the Monroe Doctrine.

However, I do not purpose to give here a biography of Richard Rush, but simply to state his relation to the Smithsonian Institution. This began in 1836, through the appointment by President Jackson of Mr. Rush as the agent on behalf of the United States to assert

and prosecute the claim to the legacy bequeathed by James Smithson, which had been previously brought to the attention of the Government. John Forsyth, then Secretary of State, writes to Mr. Rush under date of July 11, 1836, notifying him of his appointment by the President, remitting him power of attorney for the United States, and informing him that he would be required to give bond in the sum of \$500,000 for the proper performance of his duties. He was allowed \$3,000 per annum for his personal services and \$2,000 for all contingencies other than legal expenses, and was given a letter of credit on the banker of the United States at London, M. de Rothschild, for \$10,000, the amount appropriated by Congress for the purpose. The modest allowance for salary and expenses, as contrasted with what was for that day an enormous bond, is significant of the customs of the times.

The Secretary of State wrote in the following terms to the Secretary of the Treasury:

LEVI WOODBURY, ESQ.,
Secretary of the Treasury.

DEPARTMENT OF STATE,
WASHINGTON, *July 11th*, 1836.

SIR: I have the honor to inform you that Richard Rush, Esq., of Pennsylvania, has been appointed by the President, in virtue of an act of Congress, passed at their recent session, the agent of the United States to assert and prosecute their claim to the legacy bequeathed to them by James Smithson, late of London, deceased; and likewise to state that Mr. Rush has been apprised that it is necessary for him to execute, and deposit with you, the bond or bonds required by the second section of the said act.

I am, sir, your obedient servant,

JOHN FORSYTH.

A copy of the bond has recently come into the possession of the Institution and is as follows.

Know all men by these presents that we, Richard Rush, Benjamin C. Howard and John Mason, Jr., are held and firmly bound unto the Treasurer of the United States and his successors in office, in the full and just sum of Five hundred thousand dollars, current money of the United States, for the payment of which sum, we bind ourselves, our, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this twelfth day of July in the year Eighteen hundred and thirty-six.

Whereas the President of the United States has appointed the said Richard Rush, the Agent of the United States, required to be appointed under the provisions of the Act of Congress, entitled "An Act to authorize and enable the President to assert and prosecute with effect, the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men" Approved 1st of July, 1836.

Now, the condition of the above obligation is such, that, if the above bounden Richard Rush shall faithfully perform the duties of said Agency, and faithfully remit to the Treasurer of the United States, all, and every sum or sums of money or other funds which he may receive for payment, in whole or part of the said legacy, mentioned in said Act of Congress, then the above obligation to be void and of no effect, otherwise to remain in full force and virtue.

RICHARD RUSH [SEAL]

J. MASON, JR. [SEAL]

BENJN. C. HOWARD [SEAL]

Signed, sealed and delivered in the presence of

GEO. P. FORREST

THOS. C. WRIGHT

T. B. WASHINGTON

E. R. FORD.

I am satisfied with the within bond and securities.

LEVI WOODBURY

Secty of Treasury.

Official Bond of Richard Rush to the Treasurer of the U. S. in penalty of five hundred thousand dollars, with B. C. Howard and Jno. Mason, Jr. Sureties.

Received July 13, 1836.

P. G. WASHINGTON

Actg. Treas. U. S.

Dated July 12, 1836.

Mr. Rush sailed from New York on the first available ship, and arrived at Liverpool on the 31st of August. He employed as solicitors Messrs. Clarke, Fynmore & Fladgate, with whom our legation at London had had previous transactions on the subject. His first considerable letter to the Secretary of State was from London, under date of September 24, 1836. In it he gives interesting information concerning Smithson and his will. He reports that while there seems to be no doubt that the United States is the final legatee of Smithson, a suit or legal proceedings of some nature, to which the United States must be a party, will have to be instituted in the Court of Chancery in order to make valid their right and enable them to get possession of the fund, now in the hands of the court and subject to its judgment.

After writing this letter Mr. Rush thought that it might possibly be more advisable not to subject the United States to the delays of court proceedings, but to bring the matter indirectly to the attention of the British Government through the American Minister. However, after consulting counsel, Thomas Pemberton and Edward Jacob, the former of whom Rush describes as "at the head of the chancery bar," and Mr. Jacob as being "in the first class of eminence, next to Mr. Pemberton," it was decided that it was absolutely neces-

sary to file a bill, in the name of the President of the United States, against the testator's executors, declaring the United States entitled to the fund. Mr. Rush explains the technical usages of the English bar, which require that his dealings with counsel should be through the solicitors; but, in spite of all this eminent legal counsel, he seems to have taken a hand in the law affairs himself, for he points out to counsel, on its being recommended that the bill be drawn in the name of the President, that there was a possibility of a temporary vacancy occurring in the Executive power under our Constitution. The counsel, however, decided that this did not alter the opinion, and they thought it would not answer to bring a suit in the name of the United States alone, whatever the provisions of our Constitution on this point.

Under date of December 20, 1836, Rush writes to the Secretary of State that, while the *Smithson* case continues in the proper train with every advantage that he has been able to give it, it has not yet come to its first hearing before the Court of Chancery.

On January 9, 1837, he writes cautiously: "We must hope that the bequest of Mr. *Smithson* will ultimately be adjudged to the United States;" that there is a complication in the matter, "and we dare not with confidence affirm that the decision will be favorable prior to its taking place."

On February 2, 1837, he writes that the case had its first hearing in the Court of Chancery on the day before, and the results so far are favorable to the establishment of the claim of the United States; that the Attorney-General was not present in court personally, but was represented by Mr. Wray, who in effect abandoned all opposition on the part of the Crown; that the court decreed that the case be referred to one of the masters in chancery. He further states that counsel also appeared for Messrs. Drummond, who were the executors, and made a little show of opposition; but he adds, "as their clients are, in fact, nothing more than stakeholders," they will offer, he believes, no serious opposition. Mr. Rush closes his long report of the first proceedings in court with the statement that had the Attorney-General interposed a claim for the Crown under the law of escheats, he had contemplated drawing up a counter-representation on behalf of the United States, founded on the public objects of Mr. *Smithson's* will, and have it presented to the British Government, through the American Minister; but that all necessity for such action was now at an end, by the course which the law officers of the Crown had pursued, and that he did not think that any such application appeared at present to be needed, either for the purpose of justice or expedition.

The next extensive report was dated February 10, 1837. Mr. Rush writes that the court desired an amendment to the bill, which stands officially "The President of the United States of America *versus* Drummond," so as to include the Act of Congress authorizing the President to receive the fund and make arrangements therefor. He states that counsel were disposed to view this with satisfaction, the United States having never before appeared as suitor in an English court.

Under date of March 25, 1837, he transmits the advertisements agreed upon to determine whether Smithson or his nephew had any heir or heirs, and calls attention to the form of the advertisement, which he says was by his direction framed with all the brevity compatible with the essential object of the court's decree, as he wished to guard against the risk of raising up spurious claimants or combinations in France, Italy, or England to battle with the right of the United States, whereby, although their ultimate recovery of the fund might not be prevented, great delays might be interposed.

Writing April 28, 1837, Mr. Rush speaks of keeping a constant watch over the legal expenses, which are proverbially heavy in English chancery proceedings. He adds: "It seems that something is to be paid for every step taken, every line written, and almost every word spoken by counsel, senior and junior, solicitors, clerks, and everybody connected with the courts, and officers attached to them."

There then arose, in connection with the affair, several vexatious small claims upon the Smithson fund, which Mr. Rush combated with great dignity and firmness. On July 21, 1837, he seems to have become a little impatient, and writes to the solicitors asking them what the prospects were for a speedy decision. Under date of July 28, 1837, he writes Mr. Forsyth: "Had it not been for the obstructions created by Monsieur de la Batut, this part of the case would have been expedited, and a door the sooner opened by which the United States might have got possession of the fund."

On August 1, 1837, he writes that the arrears of cases in the Court of Chancery were upwards of 800, recounts other discouragements, but adds that he does not despair of having the case of the United States brought to a final and successful close in the course of the ensuing winter or spring. He asks for and receives by January, 1838, a renewal of his power of attorney from the President to prosecute the Smithson claim. He is not sure whether the exhibition of the new power will be eventually demanded, but if not, he trusts the President will believe that he has erred on the safe side.

On February 9, 1838, he writes to the solicitors that he is willing to take the responsibility of having the master's report made without further evidence in the premises, and also that he will make certain concessions in order to avoid the possibility of an appeal to the House of Lords, which would consume a great deal of time.

On March 28, 1838, he states that the report of the master has been made and confirmed. He expects a decree after the Easter term, and under date of May 12, 1838, he writes to the Secretary of State: "I have great satisfaction in announcing to you, for the President's information, that the case came on to be heard again on the 9th instant, when a decree was solemnly pronounced adjudging the *Smithson bequest* to the United States." He adds that the suit is ended, and that only a few formalities remain to put him in actual possession of the fund. The fund is principally in 3 per cent annuities. Having no special instructions as to what he is to do, it is his present intention to sell the whole at the best time and for the best prices to be commanded, and to bring it over in gold for delivery to the Treasurer of the United States, in fulfillment of the trust with which he is charged.

He points out in this rather long report that, although the best part of two years has been spent in the suit, he yet regards the matter with satisfaction, and that within a fortnight a member had stated in the House of Commons that "a chancery suit was a thing that might begin with a man's life and its termination be his epitaph." He congratulates the President and the Secretary of State on the result, and adds: "A suit of higher interest and dignity has rarely, perhaps, been before the tribunals of a nation. If the trust created by the testator's will be successfully carried into effect by the enlightened legislation of Congress, benefits may flow to the United States and to the human family not easy to be estimated, because operating silently and gradually throughout time, yet operating not the less effectually."

His difficulties were not quite at an end. On May 31, 1838, he writes very urgently to the solicitors for the necessary document from the proper officer of the court, by which the *Smithson fund* adjudged to the United States may be placed at his disposal. But six days later, on June 5, he writes triumphantly to the Secretary of State that the formalities had been finally completed and the fund placed in his hand. He gives an exact statement of the stocks, and says that the important operation of selling them now remains to be conducted. He will take the best advice for so managing the sales as to promote the best interests of the United States. He still thinks that the best mode of bringing home the money will be in gold.

On June 13, 1838, he reports that the sale of the stock is going on well. He had first intended to sell all the stock for cash immediately, but found that an attempt to sell all at once would probably have depressed the market for this particular form of security and have occasioned a loss of several hundred pounds. In regard to this matter of selling the stock, he reports that he received most beneficial aid from the constant advice of our consul, Colonel Aspinwall.

On June 26, 1838, he reports that the sales of stock are finally closed; that they have all been good—even fortunate. The prices have been high as compared with the state of the stock market for several years past. The entire amount of the sales yielded an aggregate of more than a hundred thousand pounds. The two days on which all the transfers are to be made are the 30th of June and the 6th of July. He will then convert the whole into English gold coin and bring it to the United States. He concludes this dispatch with very high praise of the solicitors, and says that had they desired "to eke out a job," they could easily have made the suit last for years to come.

Under date of July 14, 1838, Mr. Rush writes that he has made arrangements for obtaining, insuring, and shipping the gold; that it would be on the New York packet *Mediator*, by or before the 17th instant, and that he has taken passage on the ship himself. The costs of the suit have been paid, but the other expenses he cannot definitely report upon until he arrives in New York or Washington.

On August 28, 1838, Mr. Rush writes to the Secretary of State, from the harbor of New York, reporting the arrival of the ship *Mediator* with the gold on board; that he has paid the expenses of every kind incurred by closing the business in London and shipping the gold; that the freight, primage, and other small charges are still to be paid; that when all expenses are deducted there will be upward of £104,500. The whole is in sovereigns packed in boxes. He adds that, the money being consigned to no one here, he must continue to hold it in his custody until he has received instructions as to whom to deliver it, as provided for by the Act of Congress of the 1st of July, 1836.

On actually landing in New York he received such instructions from the Secretary of the Treasury, directing him to transfer the Smithsonian fund to Philadelphia, to be deposited with the treasurer of the mint to the credit of the Treasurer of the United States. Mr. Rush also found a letter from the Secretary of State extending him congratulations on the success of his mission and on his safe return to this country.

On September 4, 1838, he writes from Philadelphia to the Secretary of State that, owing to the delay in getting the ship into the dock, he was not able to leave New York until the first of the month; that he was accompanied by two agents of the Bank of America, that institution having afforded him every facility. He nevertheless did not feel at liberty to withdraw his own personal superintendence from the operation of transferring the gold until he saw it deposited at the mint. He had immediately had it conveyed there on reaching Philadelphia on the 1st instant, the director and treasurer of the mint having been in readiness to receive it, and he writes: "I have now the satisfaction of informing you that official receipts of this amount from my hands have been forwarded to the Treasury Department." There are other details about the transfer of the money given, and at the end of his letter Mr. Rush writes: "Somewhat worn down by fatigue since coming on shore, after an uncomfortable voyage of squalls, gales, and head winds, I venture to ask a little repose at my home, before proceeding to Washington, for the purpose of making out and rendering to you an account of all expenses that have attended the final recovery of this fund, of which the United States, by the information I give you in this letter, are now in possession. In the course of the next week I shall hope to proceed to Washington with the view stated."

On September 11, 1838, he writes to Mr. Forsyth that he has received a letter from the Secretary of the Treasury asking for an early statement of his expenses, but that he cannot then make out a statement, owing to sickness and fatigue. On the 15th of the month, however, in Washington, he writes to Mr. Forsyth, giving him the full statement.

The next step was that of actually creating the establishment required under Smithson's will, and here, too, Mr. Rush rendered important service.

On July 19, 1838, John Forsyth, as Secretary of State, by direction of President Van Buren, invited a number of eminent gentlemen—public men and scholars—to express an opinion as to the best method of applying the proceeds of the bequest in order that the President might have the benefit of their judgment in presenting the matter to Congress.

The view seemed to be generally accepted at the time that the Institution was either to be a university for instruction or an establishment devoted to some one specific subject, such as an astronomical observatory or a national library. Mr. Rush combated these views. He declared that a university or a college, in the ordinary

sense, was not the kind of institution contemplated by Mr. Smithson's will; that he judged, from the language and the fact of the United States being trustee, that it ought to be as comprehensive as possible in its objects and means and national in its government. He thought that one of the main objects of the Institution should be the gathering of natural history productions of various places; recommended that our consuls, naval and military officers, and even ministers abroad be employed for this purpose; and that the officers of the army should collect facts bearing upon geology, natural history antiquities, and the character of the aboriginal races of the United States. He recommended that a building be erected in Washington with accommodations for the business of the Institution; that a press be established, or authority to employ one, for printing communications and literature. He provided for a very elaborate system of lectures, to comprehend the leading branches of physical and moral science. In concluding his rather long letter, Mr. Rush, with a modest distrust of his own abilities to advise in the matter, declared that the establishment of this Institution would be like a new power coming into the Republic. I have omitted such parts of his statement as were not adopted, but it is noteworthy that he projected the lines upon which the Institution was finally established more closely than any other person.

As Mr. Goode put it in his account of the founding of the Institution in the *Smithsonian History*:¹ "Mr. Rush objected to a school of any kind and proposed a project which corresponds more nearly than any other of those early days to that which was finally adopted. In a shadowy yet far-seeing way, he outlined a system of scientific correspondence, of lectureships, of general coöperation with the scientific work of the Government, a liberal system of publication, and collections—geological, zoölogical, botanical, ethnological, and technological."

The first meeting of the Regents of the Institution under the organizing act was held on September 7, 1846, and of this body Mr. Rush was a member as a citizen of Pennsylvania. At the meeting held the next day, September 8, 1846, he was appointed a member of the committee of three on library.

How seriously Mr. Rush took up his work for the Smithsonian Institution when he became a Regent may be gathered from a remark in the introduction to a small volume entitled "Washington in domestic life, from original letters and manuscripts," published by the

¹ The Smithsonian Institution, 1846-1896. History of its first Half Century. Edited by George Brown Goode. Washington, 1897, pp. 33.

Lippincott Company of Philadelphia, in 1857. This little book, by the way, was largely based upon a collection of letters, mostly domestic and personal, addressed to Tobias Lear, the faithful friend and private secretary to Washington when President. Mr. Rush said:

"Mrs. Lear first informed me of these letters ten or twelve years ago, when in Washington. . . . I brought them home as requested, being then too much engaged in the business of the Smithsonian Institution as one of the Regents on its first organization, to examine them while in Washington."

At the meeting of the Board of Regents held on December 17, 1847, a resolution was introduced, reciting that, as Mr. Rush had been appointed Minister to France, a joint resolution be introduced into Congress for the appointment of a Regent to fill this vacancy, and that on the other hand the Board of Regents recommend to the establishment the election of Mr. Rush as an honorary member of the Institution, and furthermore that the then Chancellor, George M. Dallas, be deputed to propose Mr. Rush for this office. There is no record, however, of this action having been carried through.

Mr. Rush early became interested in a building for the Institution, and in a letter from Philadelphia, May 20, 1847, to Mr. Owen, he refers to the work of the building committee generally, and adds:

"On the eve of my departure on the French mission I cannot lose this opportunity of saying with what constant interest I shall continue to follow up the proceedings of the Smithsonian Regents; and of adding, that if it ever be thought I could render the least service to the Institution, while in Paris, it would afford me the greatest pleasure to be called upon."

Mr. Rush returned, however, in time to actually take part in the work of the building committee, and his signature is appended to all its reports. In 1853 he was appointed a member of the special committee on the distribution of the income.

In all the discussions in the year 1855, relative to the division of authority between the Secretary and the Board of Regents, Mr. Rush stood steadily for the authority of the Secretary over all his assistants, and thus again, by his far-sightedness, aided greatly in placing the executive work of the Institution upon a firm foundation. He was a member of the committee to represent the Board of Regents before the joint committee of the House and Senate appointed to investigate the Institution, at the instance of Rufus Choate.

At the meeting of the Board January 28, 1860, Mr. Rush's death was announced and Senator Pearce made the following remarks:

Since the last meeting of the Board of Regents, as announced by the Secretary, one of its earliest and most distinguished members, the Hon. Richard Rush, has departed this life.

The history of his public career is familiar to all the Regents, to whom I need scarcely detail even its more prominent incidents; but I may remark that it is seldom the good fortune of any man to fill so many important offices, and to execute so many responsible public trusts, not only with credit, honor and usefulness, but with ever-increasing reputation. Mr. Rush's life was a long one, and he entered into the service of his country while yet in the spring of manhood. He was Comptroller of the Treasury at a time when the fiscal affairs of the Government were in disorder, when the public accounts were numerous and complicated, and often required difficult legal adjustment. He was next Attorney-General. Soon after the peace of 1815 he was Minister to England, and occupied that important post during eight years, when various national questions of difficulty and delicacy required for their proper settlement diplomatic skill, firmness and caution. He was Secretary of the Treasury when measures of revenue were violently disputed; Minister to France when the monarchy was a second time overthrown and a republic again proclaimed. To these great and varied employments he brought integrity, ability, intelligence, firmness, courtesy, and a directness of purpose which scorned all finesse, and which served his country to the full extent of all that could have been demanded or hoped. He was a good scholar, having graduated at Princeton College, and cultivated literature, as well as the severer studies of his profession, with great zeal and success.

Withal he was remarkable for the kindness of his temper, the amenity of his manners, and the charms of his conversation.

With this establishment he had the earliest connection, having, under the authority of the Government, caused the institution of legal proceedings in England for the recovery of the fund with which it was founded and endowed, and superintended their progress to the close.

The Act of Congress of 1846 having established the Smithsonian Institution, he was appointed one of its first Regents, and was constantly continued by Congress a member of their Board. His zeal for the increase and diffusion of knowledge among men, and his sound judgment, contributed to the adoption of the system of operations which, so far, has borne the happiest fruits; and his interest in and care for its successful management furnished one of the enjoyments of a tranquil old age, "attended by reverence and troops of friends."

I offer the following resolutions:

Resolved, That the Board of Regents have learned with deep regret the death of the Hon. Richard Rush, one of their members, whose long and distinguished career of public usefulness commanded their entire respect, and whose moral and social worth won their highest esteem and regard.

Resolved, That a copy of this resolution be transmitted to the family of the deceased.

This account of the relation of Richard Rush to the Smithsonian Institution is, in the main, based upon letters and papers already published by the Institution, largely in the various historical works edited by William J. Rhees, who for nearly half a century was the depository of the archives and history of the Institution.

By chance the Institution has recently come into the possession of a number of private letters written by Mr. Rush to Colonel Aspinwall, who was our Consul General at London during the period covered by the suit, and who, according to Mr. Rush's official statement, aided him greatly in his labors. Most of the letters refer to the matter of the sale of securities in which Smithson's fortune was invested. While in the main not important, these letters make an interesting addition to the story of Mr. Rush's part in securing the Smithson bequest.

54 UPPER NORTON ST., *June 6, 1838.*

MY DEAR COLONEL:

How would it do to throw overboard entirely the idea of commission on effecting a sale of the stock, and charging one on a moderate or medium scale rather than the high scale, take both these latter operations into your own hands *wholly*, performing them in your own name to go before Congress—where all items of my account are finally to be scrutinized?

I should in that case naturally say in writing to the government that the fund had naturally been saved all expense whatever of an agency for effecting a sale of the stock in addition to brokerage, by the useful advice and assistance I had derived from you.

This might go a good way as a set off to objections that would be made (unreasonably, but that probably would be made,) to your having any hand whatever in the matter.

Would not such a course be likely to come out better in the end, guarding against ultimate recoil either upon you or me directly or collaterally?

Perhaps the peculiar character of the fund which looks exclusively to the interests of Letters and Science among us, would be thought to give it claims to as little diminution as possible in passing on to its final destination. The less taken from it, the better chance shall we have of coming off with flying colours.

I throw out these as things for consideration. Don't be at the trouble of writing about them; I shall certainly be with you on Friday at 12 or a little after when we will talk them over; remaining, as ever yours,

R. R.

(Upon reverse:)

54 Upper Norton St., 6th June, 1838. R. R. Rush.

54 UPPER NORTON ST., *June 9, 1838.*

MY DEAR COLONEL:

Understanding, if I have rightly understood, that you will perform all the agencies necessary to enable me to realize in money the Smithsonian fund I have recovered for the United States, convert it into gold, and ship it to the U. S. for a commission of three quarters of one per cent, I will allow that amount, feeling myself fortunate whilst acting for the U. S. to be able thus to command your services on this interesting occasion; and although you forego all commission or charge on effecting the sales of the stock, I am greatly sensible of the benefit the fund derives in that important matter from your counsel and personal coöperation, not only in being relieved from a com-

mission of one per cent usually charged for this service, but as your knowledge and experience relating to the great stock market of London enable you to get more for the stock than I could probably have done by all my own efforts acting merely through a broker. My understanding is, that the whole amount of what I am to allow you on all the operations from beginning to end, including of course the effecting of insurance, is not to exceed three quarters of one per cent; but please say if I am right, and believe me

Always yours,

RICHARD RUSH.

COL. ASPINWALL.

54 Upper Norton St., 9th June, 1838. R. 11th. A. do. R. Rush.

54 UPPER NORTON ST., *June 10, 1838.*

MY DEAR COLONEL:

I am decidedly against waiting for higher prices than can be commanded now, and should therefore like the whole of the Reduced annuities (£12,000) sold to-morrow for the 6th of June, *to be paid for on that day*, unless indeed something should occur not now known to me to make you think it inexpedient. In which case forbear an order to the broker until we meet.

I am to go with my solicitors to the accountant general to-morrow at a little after one, and if I can get away in time will make a point of calling upon you at the office before five,

Remaining, as always, yours.

R. R.

(Upon reverse:)

54 Upper Norton St., 10th June, 1838. R. R. Rush.

54 UPPER NORTON ST., *June 16, 1838.*

MY DEAR COLONEL:

The more I reflect upon the stock sales, the more disposed I am not to delay them. We know things present, but not to come. The little Queen I have always understood is a great eater, and every newspaper tells us she is a great frolicker. Now, if the little thing should chance to be taken sick in these junketing times of the coronation, only think how the stocks would come down. People would have the Duke of Cumberland before their imaginations and what not besides—so, as we are now at the close of the week, I think we had better get to work again on Monday or Tuesday in earnest, not waiting for a rise lest, peradventure, a fall should plump upon us instead, through some unforeseen cause or other; and the stocks are really high *now*. Besides, as I have consented to lengthen out the sales on time (though not later than the 10th of July) to be waiting shortens the interval, and therefore lessens our advantage in time contracts I should think. But I will be with you on Monday morning by or before 11, and until we meet nothing need be done, unless before I come the reduced should happen to touch 94 or the bank stock 205.

Always yours,

R. R.

(Upon reverse:)

54 Upper Norton Street, 16 June, 1838. R. 18th do. R. Rush.

54 UPPER NORTON ST., *June 20, 1838.*

MY DEAR COLONEL:

I will beg the favor of you to get me one of the printed papers of the Stock Exchange, giving the prices, on the 18th, the day on which our two last sales were made.

I will call for you tomorrow at about $\frac{1}{4}$ past 6 in a carriage to go out to our dinner together,

Remaining yours sincerely,
COL. ASPINWALL.

R. R.

(Upon reverse:)

54 Upper Norton St., 20th June, 1838. R. do.

54 UPPER NORTON ST., *Friday, June 22, 1838.*

MY DEAR COLONEL:

Assuming that you may probably have sold the small remnant of bank stock to-day, I will ask the favor of a line in the course of to-morrow stating the gross amount in pounds sterling of what all the stock will have yielded when the money is paid—brokerage and stamps off.

Always yours,

R. R.

(Upon reverse:)

54 Upper Norton St., 22d June, 1838. R. do. A. 23d do. R. Rush.

June 22, 1838.

MY DEAR COLONEL:

With your line of to-morrow, may I beg you also to send the list of commissions, &c., &c., to be copied from the newspaper—if done.

R. R.

(Upon reverse:)

June 22d, 1838. R. 23d do. Richard Rush.

54 UPPER NORTON ST., *June 26, 1838.*

MY DEAR COLONEL:

I do not forget that I am to be with you on Saturday to attend to the business of the transfers, but will fix the time when I have the pleasure of being with you at dinner the evening before.

Be so good as to favor me with a line to-morrow morning barely to say how the matter of exchange stands *now*, for I have not seen the last quotations; that is, just say how much *less* we should gain by the operation in gold than stated in your note of the 15th if the turn has been that way as I suppose.

I have by some chance mislaid the printed slip of prices at the Stock Exchange for the 18th instant; which please send me if still to be had—as I hope.

Always yours,

R. R.

54 Upper Norton St., 26 June, 1838. R. do. A. do. R. Rush.

54 UPPER NORTON ST., *June 30, 1838.*

MY DEAR SIR:

It is high time now that all the stock is sold to be thinking of shipping the gold, as the money will soon be converted into it. Be so good therefore, as to be turning in your mind what you are to do for me. I shall count upon your services towards effecting insurance, paying the premium, agreeing for the freight and in short taking all the steps necessary to the whole operation at the custom house and elsewhere, in the most regular way and on the best terms attainable. I have mentioned to you my personal preference for going with Captain Champlain in the Mediator; but having a public trust in hand, I could not indulge my wish unless he would agree to take the gold on terms fully as favorable in every particular as could be obtained in any other packet ship. I shall trust to you for making the contract and all arrangements with Captain Champlain.

I remain always sincerely yours,

RICHARD RUSH.

COL. ASPINWALL.

(Upon reverse:)

54 Upper Norton St., 30th June, 1838. R. 2d July. A. do. Richd. Rush.

54 UPPER NORTON ST., *July 2, 1838.*

MY DEAR COLONEL:

I have arranged it with my solicitors that one of them is to meet us on *Friday* next, at a quarter before *ten*, at No. 31, Upper Norton Street (close by me) on the business of the trunks. You will perhaps request Mr. McCurley to be there at the same time, and if you will have the goodness to call on me after you have breakfasted, we will go to the house together, and be able I have little doubt to make a short piece of work of it.

Always yours,

R. R.

COL. ASPINWALL.

P. S.—I do not forget that *Friday* is the 6th and of course our day for transferring and *receiving*; but we shall be in ample time for that, after finishing the work in our neighborhood.

(Upon reverse:)

54 Upper Norton St., 2d July, 1838. R. 3rd do. Richard Rush.

Address:

To COLONEL ASPINWALL,

*Consul of the United States,**1 Bishopsgate,**Churchyard, London.*By the *Monongahela*,

Captain Miercken,

for Liverpool.

SYDENHAM, NEAR PHILADELPHIA, *May 18, 1839.*

MY DEAR COLONEL:

A late letter from my son informs us of your recent affliction in the loss of a daughter, on which event there are none who would offer you more heart-

felt condolence than Mrs. Rush and myself, which neither you nor Mrs. Aspinwall I am sure will doubt. Believe me my dear Sir I felt sincerely for you. Having so recently been with your amiable and interesting family circle, I can see the more vividly the chasm that was made. But I will say no more, except to be remembered in the most friendly and kind manner, my wife joining, to Mrs. A. and the flock still surrounding you, and capable of affording you so many sources of happiness and content.

I had intended before this to drop you a line on the termination of the little Smithson affair. I assure you we both came well out of it, as I hoped we should. I have reason to know that there were those in Congress eagle-eyed to find fault, but they could not. All that I did, with your good aid, was so fair and square—so above all cavil even—that they had to give up the task as hopeless. I have been fully discharged from the trust; my accounts all settled, all found correct, no extra charges, no disputed items, no suspended ones, (*) no any thing of that sort, and in the end I had a letter from the Secretary of the Treasury in which he was pleased to speak of the fidelity, care, promptness, &c., &c., with which the whole matter had been conducted, and to hear verbally when at Washington of your judicious and commendable assistance to me. But O what a little uproar would have been raised if we had not kept the main fund as undiminished as possible; even our old friend Mr. Adams would not have spared us you may be sure. It is well that we saved it from the usual mercantile pickings. I hope my son showed you the documents published by Congress on the subject. I would have sent you a copy of them also, had I been able to procure one.

With renewed and kindest remembrances to you all,

I am, my dear sir,

Ever sincerely yours,

RICHARD RUSH.

(*) (The accounting officers wanted to suspend one item, a sum I had paid Mr. Brent, consul at Paris, under express directions from the department; but I said no, I will give up the item first—I will have a final and full clearance, and got it—and the item allowed too)

(Upon reverse:)

Sydenham, nr. Philada., 18 May, 1839. R. 19th June. A. 23d Aug. Richd. Rush.







